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Parliamentary History.

VOL. XXIX.

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THE

Parliamentary History

OF

ENGLAND,

FROM

THE EARLIEST PERIOD

TO

THE YEAR

1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"THE PARLIAMENTARY DEBATES."

VOL. XXIX.

COMPRISING THE PERIOD

FROM THE TWENTY-SECOND OF MARCH

1791,

TO THE THIRTEENTH OF DECEMBER

1792.

LONDON:

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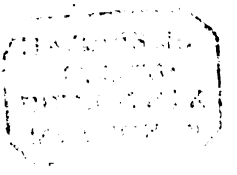

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1783.	Archbishop of Canterbury.....	Dr. John Moore.
1776.	- - - - - - - - York	William Markham.

BISHOPS.

1789.	Bishop of St. Asaph	Samuel Halifax.
1783.	- - - - - Bangor.....	John Warren.
1774.	- - - - - Bath and Wells	Charles Moss.
1785.	- - - - - Bristol	Christopher Wilson.
1792.	- - - - - - - - - - - -	Spencer Madan.
1754.	- - - - - Chichester	Sir William Ashburnham,
1781.	- - - - - Coventry and Litchfield	Hon. James Cornwallis.
1788.	- - - - - St. David's	Samuel Horsley.
1781.	- - - - - Ely	Hon. James Yorke.
1778.	- - - - - Exeter.....	John Ross.
1792.	- - - - - - - - - -	William Buller.
1789.	- - - - - Gloucester	Richard Beadon.
1788.	- - - - - Hereford.....	John Butler.
1782.	- - - - - Landaff	Richard Watson.
1787.	- - - - - Lincoln	George Prettyman Tomline.
1787.	- - - - - London	Bealby Porteus.
1790.	- - - - - Norwich	George Horne.
1792.	- - - - - - - - - - - -	Charles Manners Sutton.
1788.	- - - - - Oxford.....	Edward Smallwell.
1769.	- - - - - Peterborough	John Hinchcliffe.
1774.	- - - - - Rochester	John Thomas.

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Bishops continued.]

1791.	Salisbury	John Douglas.
1781.	Winchester	Brownlow North.
1781.	Worcester	Richard Hurd.
1791.	Carlisle	Hon. Edward Vernon.
1787.	Chester	William Cleaver.
1791	Durham	Hon. Shute Barrington.

LORD HIGH CHANCELLOR.

1783. Edward, Lord Thurlow.

LORD PRESIDENT OF THE COUNCIL.

1784. Earl Camden.

LORD PRIVY SEAL.

1784. Earl Gower.

PRINCIPAL SECRETARIES OF STATE.

Home Department.

1791. June. The Right Hon. Henry Dundas.

Foreign Department.

1791. May. Lord Grenville.

SPEAKER OF THE HOUSE OF COMMONS.

1789. May 8. The Right Hon. Henry Addington.

COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH TREASURER OF ENGLAND.

1791. June 10. Right Hon. William Pitt; and Chancellor of the Exchequer.
Richard, Earl of Mornington.
J. Jeffries, viscount Bayham.
Richard Hopkins, esq.

MASTER OF THE ROLLS.

1788. June 7. Richard Pepper Arden, esq.; afterwards Lord Alvanley.

ATTORNEY GENERAL.

1788. June 28. Sir Archibald Macdonald, knt.

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SOLICITOR GENERAL.

1788. June 28. Sir John Scott, afterwards Lord Eldon.

LORD ADVOCATE OF SCOTLAND.

1789. Robert Dundas, esq.

SECRETARY AT WAR.

1783. Dec. Sir George Yonge, bart.

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Parliamentary History.

31 GEORGE THE THIRD, A. D. 1791.

FIRST SESSION
OF THE
SEVENTEENTH PARLIAMENT
OF
GREAT BRITAIN.

[*Continued from Vol. XXVIII.*]

DEBATE in the Commons on the Bank Dividends Bill.] March 22. 1791. The order of the day being read for the House to resolve itself into a committee upon the bill for applying to the public service the sum of 500,000*l.* out of the balance remaining in the bank of England from sums issued for the payment of dividends, on account of the national debt, Mr. Pitt moved that the Speaker do now leave the chair.

Mr. *Whitbread* jun,* said, he felt it to be his indispensable duty to oppose this bill in every stage. He declared, he felt his own inability when he rose to speak on this subject, and therefore begged the utmost indulgence of the House. Till the day of the last debate, he had entertained sanguine hopes (which he now found to be vain), that the chancellor of the exchequer perceiving the symptoms of alarm and disapprobation of that House, would have abandoned a measure of violence and subterfuge. The project was violent, inasmuch as it struck at the root of all public credit; it was fallacious, inasmuch as it only put off the evil day, and held forth to the country gentlemen that by this means they might be exempted from certain burthens which would only fall more heavily when they did come upon them. It had been much the fashion for gentlemen of a certain description of property, not from any investigation of the merits or demerits of the measure, and without considering whether it was founded in justice or injustice, to express their approbation of it, because it exempted them from certain burthens. It was not certainly a good principle quietly to acquiesce in an act of injustice, because it threw the burthen off themselves. It was extremely short sighted in any gentleman of landed property to countenance such a measure; because it was probable that those burthens, at a time when they would be less able to bear them, might come upon them with accumulated force. He contended, that the bill was a breach of solemn contract between the public and the public creditors; and also between the public and the bank. The principle of the bill had been proved to be bad: and the chancellor of the exchequer admitted it to be so, by refraining from pushing it to its extent. If it was really sound and good, it would have borne him out, or it was no principle at all. If 100,000*l.* was a sufficient floating balance now, it was sufficient at all times; that ought to be the standard to go by, and all balance above

* This is the first Speech made by Mr. Whitbread in the House of Commons. A short time previous to his lamented death, which took place in July 1815, this excellent man found leisure, amidst his numerous important avocations, to correct, for the express purpose of insertion in this Work, nearly all the Speeches made by him, from his entrance into parliament in 1791 to the year 1803. Those from 1803 to 1815 will be found faithfully recorded in THE PARLIAMENTARY DEBATES, now publishing under the superintendance of Mr. T. C. Hansard; for the use of which Work, Mr. Whitbread was, for several years, in the habit of communicating corrected reports of his Speeches. [A. D. 1817.]

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100,000*l.*, should be taken from the bank whenever any such was to be found. He knew of no existing law, and indeed the bill on the table proved no such law did exist, nor any existing principle of justice upon which any law could be framed, to justifiy such depredations upon private property. If money was to be taken from the bank, why was it not to be followed through all the deposits of trust? Why was it not to be seized in the hands of the private banker, in order to be applied to the public service? Nay, why was it not to be seized even in the private bureau, after it had been deposited there a certain time, and transferred to the exchequer? Why was not avarice to be traced into its most secret recesses, and forced to surrender it hoarded treasures? What difference could subsist between the proposed measure and the cases which he had stated? Was the reason why money was to be appropriated in the bank, and not in any other deposit of trust, only because it was known to be there? and was the secresy with which a man could conceal his property, as in the East, the only means of preserving it? With regard to the nature of the security, it was proposed that it should be transferred from the bank to the exchequer. The alteration was by no means favourable to the creditor. The bank, as a trading company, might be in a flourishing state, when the case might be supposed that the exchequer did not possess a shilling. There was no reason that the ruin of the exchequer should produce the ruin of the bank. But if the bank were ruined, the resource to which the exchequer must have recourse for supplies would be cut off. The right hon. gentleman had stated that, except in one or two instances, there had every week been remaining in the exchequer a cash balance of 500,000*l.* Why, then, should not this money be employed for the public service in preference to the sum which he wished to appropriate from the bank? To put a familiar case, he would state that a gentleman had kept his cash at a certain banker's for some years; that from having always found his demands punctually answered, he had acquired the utmost confidence that whatever was placed in that banker's hands was secure. Should it be proposed to him by a third person, to take a certain portion of his money out of the care of his banker, and lend it to that third person, who might assure him his security was perfectly good; and in confirmation of it might say, "I have always lying by me a sum equal to that I wish to borrow from you:" it would strike the lender, to be rather extraordinary that, under such circumstances, he should want to borrow the money at all; but he would naturally go beyond this, and ask, "In case your money should be spent, what security have I then?" If the answer should be, "Oh! in that case, I will issue my notes at any discount, and raise money to satisfy your demands;" he must confess, he thought the original and tried security would be the one preferred and adherred to. It was exactly the same in the present instance; for after all evasion, exchequer bills were the security to be rested upon. This accumulation of securities reminded him of the doctrine of an ancient philosopher, who maintained that the earth was supported by an elephant. This dogma was current in his school, till one of his disciples asked him on what the elephant stood? The answer was a tortoise. On pushing the inquiry farther, and asking on what the tortoise stood? it was found the tortoise had nothing to stand upon; and thus the whole theory fell. This was an exact parallel to the securities which were to be first the 100,000*l.* in the bank that stood on the 500,000*l.* in the exchequer, and that on exchequer bills, which were in fact nothing. It had been mentioned, as a proof that the measure of appropriating the dividends had met with no disapprobation among the public creditors, that since the first intimation of it, the sum of those dividends, instead of diminishing, had increased. From the fact he would draw an opposite inference. The public creditors did not certainly wish their money to be appropriated, but by their conduct in allowing it to continue in the bank, they gave a proof of their confidence in parliament, and their assurance that the bill would not be permitted to pass. A remarkable expression had fallen from the chancellor of the exchequer, that the price of stocks for some time past had risen, in circumstances very unfavourable to such rise. Might it be proper to ask the right hon. gentleman, who, from his situation alone could be acquainted with them, what those circumstances were? The inquiry was certainly of the most material consequence to the nation. After all the boasts which had been heard of the flourishing state of the nation, and the important advantages acquired by the late convention with Spain,

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it might rather have been supposed that the circumstances of the time were highly favourable to a rise of stocks.—The next thing he should touch upon, was the consent of the stock-holders, upon the unequivocal proof of which, the right hon. gentleman had consented to rest his measure; and he had endeavoured to prove this consent from inference. In working up the inferred consent, the right hon. gentleman had purposely, and indeed wisely, set aside one ingredient, which would not very well assimilate with the rest of the composition; he meant the letter subjoined to the bank petition, a voluntary and express dissent, entered into by ten respectable houses. The right hon. gentleman got over this, by saying, their authority, in the present instance, ought to have the less weight, because they were foreign agents, and consequently received the dividends regularly for those by whom they were appointed. But it was to be remarked, that these gentlemen were not only agents but proprietors: and if even the opposition of an individual ought not to be overlooked, was not the opposition of ten respectable names, in which they were seconded by so many others, entitled to some regard?—After all, supposing even the principle of the measure to be laudable, and the security which it offered good, and the consent of the stock-holders obtained, all which he absolutely denied, still he should oppose the measure, as contrary to that system of finance which had been held out by the right hon. gentleman. In bringing forward his armament budget, he had called loudly and eloquently upon members to look their situation in the face, and to make a fair and manly provision for its exigencies. No call had ever been more universally answered. To those gentlemen who thought that the convention had been beneficial to commerce, had established rights, or secured acquisitions, it was surely an exertion which might be required at their hands, to pay the price of those advantages, in order that they might descend to posterity free from all incumbrance of expense. It was a duty, however, to those gentlemen, who thought as he did, that great and unpardonable errors had been committed in the conduct of that convention, while no advantages had been secured, to pay, by an effort of their own, the price and burthen of the rashness and folly that had been committed in their own day. It was not known at what time this money, which could only afford a temporary resource, might be called for, and though it had been said that it was not fair to suppose extremities, yet surely it would be allowed that it was not only proper, but necessary, to suppose them in a business like the present, where the public credit was at stake, and where, if once a panic was taken, it would certainly lead to extremities. On these grounds he would oppose the motion that the Speaker do now leave the chair.

Mr. *Steele* said, if he understood the speech of the hon. gentleman, it went upon this supposition, that the moment different sums of money were paid by government into the bank of England, or to the cashier of the bank, from that moment all power over this money ceased on the part of the public, or on the part of those who had the management of public affairs. He thought the hon. gentleman's argument must be founded on such a supposition. Mr. Steele said, he should contend for directly the contrary: if this was not the case, what was said by the hon. gentleman did not relate to the subject, and could not apply. If the money was not solely the property of the individual public creditor, remaining by his consent in the bank of England, and those on the part of the public had no right to call for it, all that the hon. gentleman had said concerning any other money did not apply: he maintained that this was contrary to the real state of the case. It would be found in the several acts of parliament, that every contributor was, for every sum contributed by him, to have a certain sum paid at a certain period; and that for the more easy and punctual payment of this money it was to be issued to the bank, and paid by the cashier. The first question, therefore, that occurred was, whether by the bill it was intended to depart from this contract? He contended that it was not. There was no provision made in the bill, that the money should be paid differently from what had been the universal practice. There were words in the act which showed, in the clearest manner, for what purpose the money was paid into the bank. By that act, the cashier of the bank was obliged to pass his accounts, and to be accountable to the exchequer for any balance that might be unclaimed. Why was this to be done, if the exchequer had no power to direct the application of that balance?

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Why was the balance to be stated, unless for the purpose of determining how it should, from time to time, be applied? If the exchequer had a power to call on the cashier of the bank to account to them, from time to time, for the balance which might remain in his hands, and it being expressly provided that he should pass his accounts in the ordinary course of the exchequer, there was not common sense in the regulation, unless there was a power somewhere to determine how the balance after the audit was to be applied. The contract was, that money should be issued, from time to time, by government, by way of imprest, and on account, to the bank: and that the public creditor should at all times have security for receiving any demand the moment he called for it. It therefore remained to be considered, whether the provisions of the bill sufficiently ensured the payment of every public creditor, the instant he made his demand. If there was such a security in the bill, the public creditor had no right to complain. The public faith could not in any degree be affected, and the public had the means of availing themselves of that money which remained in the shape of a balance in the hands of the cashier of the bank. The sinking fund had been made a collateral security on former occasions, when it was not in a very efficient state: and that House had repealed several taxes which they had imposed for the payment of the national debt; and therefore the public creditor had equal reason to complain on such occasions. He might have said at the time, "this was a productive tax, why did you repeal it? I lent you my money partly on the security I derived from such a tax." But were ever such complaints heard of? The bill amply provided for the certain and secure payment of every creditor; it proposed to take 500,000*l.* out of the hands of the cashier of the bank, and to leave with him 100,000*l.* to answer the demands of the creditors; and whenever that balance was reduced below the sum of 100,000*l.*, a certificate was to be remitted to the exchequer to pay the sum of 500,000*l.* remaining, or if there was not so large a sum in the exchequer, to pay what there was, and then to issue exchequer bills at any interest, not for the purpose of compelling the public creditor to take them, but in order to convert them into money to make up at the exchequer the sum of 500,000*l.* which would completely answer the demands of all the public creditors, even, which was extremely improbable, were they to make their appearance at the bank in one day. The measure had been opened in December, and the balance in the hands of the bank had increased considerably since that time. What inference could be drawn from this, but that no alarm existed? The stocks, too, had gradually risen.

Sir *B. Hammet* paid many compliments to the abilities of Mr. Whitbread. He said, his speech was full of wisdom and excellent sense, and that the hon. gentleman would, from the regard he had shown to the constitution, be a blessing to his country. He thought the principle of the bill bad, and would therefore move for the adjournment of the business for a few days. There would then be an opportunity for considering the offer which was ready to be made to the chancellor of the exchequer by the proprietors of stock; namely, to lend him the money without interest, while it was unclaimed, leaving all the securities as they formerly stood. The House had no right to put their hands into other people's pockets and take their money; to do so was a robbery: it was by acting on such principles that we had lost the colonies in America; and it was a principle which the late earl of Chatham had reprobated through the whole of his life. He concluded with moving, that the House do now adjourn.

Mr. *Hussey* seconded the motion. He said he had attended the meeting at the bank, but had taken no part in it. He understood that the governor and deputy governor had held a conference with the chancellor of the exchequer of their own private motion; and without being impowered by the court of proprietors. They had proposed to lend him 500,000*l.* on exchequer bills. The right hon. gentleman would not accept the offer, because the money was to be repaid. Mr. Hussey said, his proposition was, that the bank should circulate for the public 500,000*l.* as long as the money remained unclaimed. But if there was always in the exchequer 500,000*l.* why not apply that to the same purpose with the money in the bank? He was very sure, that the taking the money out of the bank, after it was paid, in consequence of acts of parliament, which were only contracts between the public and public creditor, was a breach of those contracts. He thought

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public credit would be materially affected by this measure, and therefore should be glad if the right hon. gentleman would accept 20,000*l.* per annum for ever, and abandon it.

Mr. *Pitt* said, that if there was an inclination in the bank, to bring forward any proposition on the subject, their going into a committee would not prevent it. The bank it had been said, would advance the sum of half a million without interest, subject never to repayment, unless the balance should be less than 500,000*l.* But would it have been proper for him, on the part of the public, to have agreed that the bank should advance the money without interest, for a limited number of years? That would have fallen infinitely short of what was proposed by this measure; because there was the strongest reason to suppose that no part of this 500,000*l.* would ever be called for: he, nevertheless, had admitted the possibility of its being called for, and had provided for the punctual repayment of the whole. Before he brought in the bill, he had informed the bank that he should agree to their lending to the public 500,000*l.* free of interest, and to be repaid whenever the balance was below 600,000*l.*, and if they accepted this offer now, he, for one, should be perfectly satisfied. With regard to the 500,000*l.* in the exchequer, when they came to discuss it, they would find it stood on very different grounds.

Mr. *Grey* said, he was glad to find the right hon. gentleman was at last inclined to listen to other terms, but he could not consent that this bill should go on, and that the proposition should be made afterwards, because he objected to the principle of it, as striking at the root of public credit. An hon. gentleman had justly observed that that House had no right to do wrong, and although "Cesar did never wrong but with just cause," yet if this question was only to be argued on the principles of policy and prudence, he did not think it such a measure as on any fair argument or sound reasoning the House would adopt. The hon. gentleman who had spoken second had thought the acts of parliament would bear a different construction from what had been put upon them. The hon. gentleman, however, appeared to him rather to have dealt in assertion than in argument. In a contract between the public and the public creditor, they ought not to adhere to the literal construction of an act of parliament, unless it was also agreeable to the true spirit and meaning of such statute. What might be matter of triumph to some other gentlemen, was to him matter of peculiar regret: there was something like a feeling, that for the sake of a private temporary advantage, they were about to lose sight of a great future interest, upon which all the prosperity of the nation must depend. Mr. Hume, in one of his Essays, had observed, that many attempts had been made to separate the monied and the landed interest; but that they would be ineffectual, till taxes rose so high, as to make the public burthens altogether intolerable. He took it, that there was at present no man of landed property who did not think it was his interest to attend as much to public credit as any monied man. He should oppose this measure, because he thought it could not be supported on any sound principle of justice and policy, without the consent of the public creditor. Even if he was sure it would be a saving to the nation, his objections would be equally strong. His first objection to the principle of the bill was, that it invaded the interest which the bank had in the money; next, that it was a direct violation of the contract with the public creditor. With regard to the first, it had been said the bank had nothing to do with the money, because they were only the agents of government: he should answer this by asking the right hon. gentleman a short question, viz, whether this money belonged to the public? If it did, he must produce some better argument to satisfy the House on that head. To every shilling of the money there existed a legal demand somewhere or other. It was entrusted to the bank for the legal owner. How then could government contend they had a right to take it? If he entered into a contract to pay money to A. B. and had paid it into A. B.'s banker, certainly it was the money of A. B., and to the use of this money, he contended, the banker had a complete right till called for by A. B. In like manner, the bank had a right to the money in their hands, and which might be called for at a moment's notice. His strong objection to the measure was, because it was a breach of contract with the public creditor. The moment the money was paid into the hands of the bank, the bank, and not government, became security to the public creditors. He certainly felt some

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advantage on this part of the argument, from having, on his side, some of the first legal abilities: but even Mr. Wood himself confessed, that if after the money was paid into the bank, it was embezzled, the bank, and not government, would be responsible. This destroyed the idea of the bank being agents: government could not have recourse to the letter of the contract, if contrary to the true spirit of it. But the strongest argument of all that the right hon. gentleman had used, had been, that it was open to government to take back the money while it was unclaimed. Why then, if this were so, did not the exchequer take it? and what necessity was there for an act of parliament? He contended, that the security was changed, and that this could not be done without the consent of the public creditor. But it was said the form only of the security was changed, and not the security itself. If the security of the bank was changed into that of the government, this was something more than the mere change of the form of the security. He said, eight millions were paid annually by government into the bank, that was two millions every quarter. Now, if the right hon. gentleman found that, during the first six weeks of the quarter, the bank only issued one million instead of two, on the same principle that he now rested on, he would have a right to seize on the million that was unclaimed. The right hon. gentleman, he observed, had said the creditors had given their consent to the measure as much as to any measure whatever: they had now had notice of it for a considerable time, and had, nevertheless, not taken out their money. But was this a fair way of judging, that the creditors had given their consent? They had left the money in the hands of the bank as a place of security: by this measure they must draw it out, or risk the operation of the bill. He contended, that the stock-holders were concerned in the sacred observation of the faith of parliament. The faith of parties could not be altered without the consent of all and every of the public creditors. The bill was about to take from the bank a sum of money which they were entitled to retain. Twenty thousand pounds was a most paltry sum to be made the ground of introducing such a pernicious principle and precedent. Mr. Grey concluded with saying, that Mr. Hume, in his Essay on Public Credit, had this passage, which he would read as a part of his speech; "The right of self-preservation is unalienable in every individual, much more in every community; and the folly of our statesmen must then be greater than the folly of those who first contracted debt, or what is more, than that of those who trusted or continue to trust this security, if these statesmen have the means of safety in their hands, and do not employ them. The funds, created and mortgaged, will by that time, bring in a large yearly revenue, sufficient for the defence and security of the nation: money is, perhaps, lying in the exchequer, ready for the discharge of the quarterly interest; necessity calls, fear urges, reason exhorts, compassion alone exclaims: the money will immediately be seized for the current service, under the most solemn protestations, perhaps, of being immediately replaced, but no more is requisite. The whole fabric, already tottering, falls to the ground, and buries thousands in its ruins. And this, I think, may be called the natural death of public credit; for to this period it tends as naturally as an animal body to its dissolution and destruction."

Mr. *Rose* said, that parliament, at the time of passing the acts, meant that government should have a right to take back the money that was unclaimed, and not that the bank should have the use of it. He could not conceive, if the bank was to have the perpetual use of this money while it was unclaimed, why the bank should have near 100,000*l.* per annum for the management of the business of the public. The bank had no right whatever, under any law, to keep one shilling of the money. The question was this: was this large sum to remain in the hands of the bank absolutely and entirely useless? The last hon. gentleman had asked, exultingly, if the money was claimable by government, why have an act of parliament for it? Could not the exchequer have issued a process to obtain it? He had no doubt but that the exchequer might have issued a process if they thought proper; but the probable effect of it would have been, that the bank would have sent them 200,000*l.* instead of half a million. But it had been said they had 500,000*l.* in the exchequer always ready, why not employ that for the same purpose as the 500,000*l.* in the bank? The reason was plain: because the money in the exchequer was to be applied, by act of parliament, to particular

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purposes; whereas it was extremely probable that this money, which they were about to take out of the bank, would never be called for.

Sir *J. St. Clair Erskine* denied that the consent of the public creditor had been obtained, and therefore he must consider the bill as a direct breach of the contract between the public and the public creditor. He also denied that the exchequer had a right to call for the floating balances in the bank. The whole of the reasoning of the hon. gentleman who spoke last went to encourage a meditated fraud upon the public creditor. From the manner in which money was paid into the bank, by those whose real property it was, and who chose to have it there, and no where else, there could be no right or power whatever to take it out of the bank, without the consent of those who were the real and only proprietors of it. He always considered the bank, not merely as agents, which some gentlemen wished to do, but as trustees likewise for the public creditor. The hon. gentleman had said that there was no law which gave the bank a right to keep this money, or to use it for their own profit and advantage. He might as well, at the same time, have stated, that there was no particular law which authorized private bankers to use, for their own profit, the sums of money which their customers left in their hands. The essence of good faith was to keep the credit they had made, and in no sort whatever to alter the security originally given the public creditor. The present bill was a palpable alteration of the original security; and it was assumed, that those stockholders had, by implication, given their consent who had not expressly stated their dissent. He denied that this was a fair inference, and referred to the letter from the ten respectable houses that had been annexed to the bank petition, as a proof of the contrary. If those gentlemen and foreigners were alarmed, at what could it be but at seeing the strong arm of the state was to be used in forcing a contract, and violating its conditions? He declared, if he had been satisfied of the propriety of the measure, the fact of the bank opposing it would have convinced him that the hon. gentleman was in the wrong; and let it be considered upon what precedents it had been justified. The first stated by the chancellor of the exchequer had been a precedent in the reign of George 1st, when 10,000*l.* of what was called the Bankers' Debt, had been taken. Sir James stated in what that had originated, and, after reasoning upon it, said, he believed the right hon. gentleman was more disposed to follow the example of Charles 1st, than of any other reign. Twenty thousand a year, which was the present object, might be said to be but a small sum, but there lay the danger; for if the bill passed, they might go from one precedent to another, till no security whatever was left to the public creditor.

Mr. *Fox* said, he would not have risen at this period of the discussion, but for an entire new argument, that had been used by the hon. gentleman (Mr. Rose). What he meant was, the right which that gentleman asserted the exchequer had, to call for these sums from the bank. It had been stated that no person would venture to deny that right. Now he, for one, was bold enough to deny that any such legal right existed any where; and though this might not be the time to enter on that question, still he would challenge the hon. gentleman to discuss it, and that at some early period; being anxious, now that new ground was started, to have it fully argued and settled, that the path might be known in which they were to tread, before they gave a final decision upon the bill before them. He called upon the crown lawyers to come forward, and avow that right which the exchequer was said to possess; and he would undertake, however little weight his opinions might have on law questions, to controvert the doctrine whenever it came to be used.

Mr. *Pitt* wished to avoid going into any discussion of the law question which the right hon. gentleman was inclined to provoke, because he did not think this a very proper time to introduce it. He then adverted to what had fallen from an hon. director of the bank on a former day, who as well as others connected with the bank, had declared, that the not being permitted to use the unclaimed dividends was not the cause of their complaint to day. It appeared that this was to be a strong argument for gentlemen on the other side; although, till this hour, it was never understood to be a consideration with them.

Mr. *Yorke* said, that the probability of an offer on the part of the bank to furnish the 500,000*l.* upon other terms, was no good reason why they ought not to go into the committee with the bill. As two of the bank directors, on a former evening, had waved, on the part of the bank, all

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claim to their having a right to make use of the money for their own advantage, all the arguments that had been pressed on that ground, he should lay out of his consideration, as unnecessry and irrelevant. Much had been said on the objection, that the bank were not agents between government and the public creditors, but trustees for the latter; but nothing he had heard had convinced him that they were trustees; nor did he find any thing in the act of parliament that led to confirm that assertion. With regard to the argument, that it was unnecessary to pass a new act, he had heard of so many acts, to enact that to be law which had been law before, or by some alteration to remove difficulties in former acts, that he did not see much force in the objection. Notwithstanding the appeal to the lawyers, that had been made by a right hon. gentleman, who did not bear much respect to the profession, he had no scruple to say, that he thought a process from the exchequer would be granted, if applied for on the grounds that had been stated. As to Mr. Hume's opinions, which had been so strongly put by an hon. member, though he considered Mr. Hume to be possessed of great ingenuity in reasoning, and very brilliant abilities, still, upon the subject of public credit, he could by no means allow very great weight to the arguments he had used in his essay on that subject.

Mr. *S. Thornton* rose to trouble the House with a few words, which it was necessary for him to say, in consequence of the learned gentleman's appearing to have misunderstood what had fallen from him, and from another bank director, on a former day, when they were supposed to have waved the right of the bank to make any use of the money in their hands. He had neither done so, nor had he any authority to do so. It was necessary that the bank of England should possess advantages to compensate the great expenses to which they were subjected, and the losses which they incurred. In the petition the directors had rested their objections on what they thought a better and a stronger argument, viz. because they conceived they held the money for the public creditors, and could not consent to the bill without abusing their trust. He acknowledged that the bank had made a proposal to advance government 500,000*l.* on exchequer bills, bearing no interest; but whether that was to be in perpetuity, or not, was another matter. Much stress had been laid on the sum paid the bank: and it had been argued, that it was paid them by government for the trouble of paying the dividends; but it ought to be recollected, that they conducted the whole of the public debt; that every single transfer was made at the bank; that they did the business at their own risk; that they paid 400 clerks, were at great expense for buildings, &c. and that they stood to all the charges incurred by forgeries, and frauds of various kinds, which had cost them considerable sums. The allowance formerly made the bank by government, had been 530*l.* on every million of money that passed their hands, but that had been some years since reduced to 450*l.* With regard to what had been said of the short time that the bank would be out of the money, if the balance in their hands was reduced to less than 100,000*l.*, he observed, that, at the bank, claim and payment were the same thing: that when a dividend was claimed, it was instantly paid, the proprietor not being detained five minutes, and seldom more than two. As a proof of this, he instanced the first pay day in the present quarter, viz. the 9th of January, on which day the bank had paid 500,000*l.* in dividends. No creditor was ever told to call again for his dividend; whereas there must be some time lost in applying to the exchequer, and getting bills made out.

Mr. *Burke* ironically observed, that his right hon. friend had challenged too much, when he ventured to oppose all the legal information in the House. The lawyers he considered as a formidable opposition. The amazing address of these gentlemen, in searching for precedents, was astonishing; and their researches were always sure to be attended with success. He assured the House, that he was not one of those whom an hon. gentleman had described as an enemy to the lawyers; he respected them very much, particularly so since they had adopted a manner entirely new, of coming down with their opinions. It had been the practice for lawyers to bring with them a voluminous collection of musty books of precedents, from which they collected their own arguments, and gave information and instruction to those who heard them; and though, no doubt, sometimes tedious, it was a consolation, that when the pleasure of hearing them seemed least, it was supposed the instruction was the greatest; but now every thing they said was upon so novel a plan, so

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unconnected with tedious old fashioned stuff, that it was pleasant and proper to be attended to. He perceived his respect for lawyers was growing upon him more and more every day. Formerly, said he, their laudable diligence was employed in evolving musty parchments for our sakes. They could not venture, without the concurring testimony of many generations, to assert that the sun shone at noon day; they were the last voice that conveyed to us the feeble echo of distant ages; the faithful guardians of the treasured wisdom of all the old women of antiquity. The grave maxims which they dealt in, were supposed, like drugs, to be the more salutary, in proportion as they were less palatable. But now they seem to pursue a very different line of conduct. They have quitted the beaten tract of precedent, and are every day surprising us with specimens of ingenious innovation. In the present case they appear to be of opinion, that a man has no absolute right to his property, even after it is put in his possession!—Mr. Burke stated the acts of parliament that had been mentioned, and contended, that the bank were trustees to the public in every sense of the word, and that no right could be any where to take the money of their customers out of their hands and place it elsewhere, without the consent of the parties. If any such power did exist by the laws already made, why come to parliament for a new law? He had often heard it offered against a proposed law, and as often thought the objection a strong and good one, that the purposes of that law were already fully answered by acts of parliament in existence. He stated very forcibly the circumstance of the bank being obliged to pay, upon demand, any sum which was left in their hands, at any time that it was called for by the real proprietor; and denied that those who had property vested by their own choice in the bank considered government as their security. It was the security of the bank itself that they wished to have; and it ought never, and could never, without a violation of justice, and every contract established by law between the public and the public creditor, be changed or varied in any shape, without the consent of all parties concerned. A learned gentleman had said, the bank did not appear to him to be trustees; whereas, he should contend, that they were trustees both for government and for the public creditors, but on different principles. Trustees, in one sense, for government, viz. to pay the dividends for them; and in another for the public creditors, to take care that they were paid. That the latter were the proprietors of the money which constituted the floating balance was evident; because, if any of them went to the bank and said, "pay me ten pounds, which is my dividend," he would be instantly paid, which proved him to be the proprietor. He was not one of those who feared any sudden calamity to these public creditors who were now to have their security changed; but he looked with horror to the future consequences of this bill, and the time when the money was to be repaid by government. It was a possible case that this might be at a period when we were not in so flourishing a condition as at present; when money had accumulated very fast into the country from different causes, and, of course, those who were possessed of it, had not such immediate occasion to call for it, as they must have in less prosperous times. When that period arrived, what was to happen to the distressed country, when she must repay this sum to the real creditors, at a time when there were many other pressing demands upon her? Why, says one right hon. gentleman, by the provisions of this bill, whatever situation the country is in, the public creditor must be paid, at whatever interest we can dispose of exchequer bills. This was certainly a new way of supporting national credit, by a recourse to usury. Now, where any debtor, public or private, is obliged to borrow money to pay his lawful debts on usurious terms, that person or state must in a very short time run to ruin. Mr. Burke then, in a very happy manner, contrasted the present state of the public creditor with that which it was proposed to put him in. He was now actually in the fullest possession of his property, and might do with it what he pleased, and when he pleased, because it lay at his command under a security that he himself approved of. But, say the gentlemen who befriend this bill, we will change that security, and, by our scheme, meliorate your condition, whether you consent to it or not. Now, he should be glad to know, what security for property could be mentioned, that would meliorate the condition of actual possession. Mr. Burke ridiculed the idea of taking away the bank security, and giving public credit in lieu of it. The public creditor had the security of public

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credit in the first instance; and now he was to be told he had greater security, when the only security was not possession, but government being enabled to borrow at usurious interest. This was like the language of sir John Falstaff, who, in a moment when his prospects appeared to be rather adverse, says to justice Shallow, "master Shallow, I owe you a thousand pounds!" "Aye marry, sir John," replied the justice; (but not so Shallow neither, said Mr. Burke), "which I beseech you to let me have home with me." Falstaff replies, "That can hardly be, master Shallow." So the security to the public creditor was, in the present instance; instead of his money home with him, government said, "We owe it to you." In short, it provided for payment of the public creditor on the system of sir John Falstaff. Mr. Burke likewise applied the common adage to this proceeding, "that a bird in the hand is worth two in the bush;" for the right hon. gentleman said, "we have changed your only security, the bank, and have given you several other securities in lieu of it;" mentioning the exchequer, and all that the public credit depends upon; but this bush security, he imagined, would be preferred by few, when compared to possession; and this he hoped the lawyers would agree to as he understood possession was considered to be nine points of the law. As to the question of adjournment, he was quite against it, and liked it worse than the original question, which he was fully prepared to give his vote upon; and thought that the question of, whether there existed a legal power or right, as some gentlemen had argued, to force this money out of the bank, was one that ought to be decided and particularly understood. He warned the country gentlemen against any attempt to separate the landed from the monied interest of the country. This, perhaps, was a time when the country gentlemen might try that; but a time might come, when the stockholders would have the power of turning the scale, as had happened in other countries. He concluded an elegant compliment to the abilities which the debate had produced among the young members. He particularly alluded to Mr. Whitbread's maiden speech. He congratulated the House, and the public in general, on the talents and eloquence which the bill in debate had called forth; and rejoiced to see the thick blossoms of the rising generation expanding to the view, and promising to supply, with a richer and more exuberant produce, the fruits that were decayed with age, and ready to drop into the ground. The gentlemen alluded to, had delivered their sentiments as became gentlemen, and men who delighted to cultivate literature, and to improve the human faculties. He strenuously exhorted the landed and the monied interest to unite in opposing the popular innovation which had already subverted the government of a neighbouring state, and observed, that the unhappy event to which he alluded, had been occasioned by the disunion of those interests.

The question of adjournment was put and negatived. The House then divided on the question that the Speaker do now leave the chair:

TELLERS.

YEAS	Mr. Steele - - - - Mr. Cawthorne - - -	155
NOES	Sir J. St. Clair Erskine Mr. M. A. Taylor - -	54

The House being in the committee,

Mr. *Fox* rose, and after paying a very handsome compliment to his hon. young friend (Mr. Whitbread) who had delivered his sentiments with so much force and propriety, in his first speech in that House, said, that judicial opinions ought to have been taken on the question, whether the bank were, or were not, trustees to the public? If the money could not be obtained by legal process, the object of the bill was unjust and violent. The acts of parliament for the payment of the public creditor expressly said, that the bank was the place where he was to apply; and the alteration of that plan of payment ought not to be made without his consent. Objecting, therefore, as he did, to the very preamble of the bill, it would be absurd to argue upon the detail of a principle which he contended was not true. The word "account," in the preamble required some explanation; because it had been argued, and would be argued after what had passed to night, in different points of view, just as it suited those who used it for the time. That the bank were to account to the exchequer for their management of, and transactions with, the public money, he could easily understand agreeable to the state of acounts which they from time to time gave in, but that the bank was to account, by paying into the

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exchequer the balances that might be on their accounts, whenever the exchequer ordered it, was quite a different thing; and at any rate, before an act of parliament was made, it was necessary that the wording of it should be explicitly understood, and until it was so by the House, he thought no gentleman could give a vote upon it.—In his opinion the preamble ought rather to have run thus: "Whereas the bank having paid into the exchequer," and so on; because it was proper to be in possession of the money before you can use it: get the money first, and then enact how it is to be appropriated. He still contended, that the bank had the sole right to the custody of the money. Whatever was their profit, he considered it to be of no consequence as to the question of right; and the contrary doctrine, which had been started that night, he averred to be unjust, impolitic, and unfounded on any principle of law, reason, or common sense. He said, that, though it was usual to postpone the preamble of a bill, yet the present case ought to be an exception to that rule: for, on the facts stated in the preamble then under consideration, depended entirely the justice, the propriety, and the necessity of the present bill. The preamble stated, that "whereas money was issued from the exchequer to the bank, by way of imprest, to accounts, &c." This assertion might be said, in one sense, to be true; in another, to be false. It was true, if it was meant by it, that the bank was bound to account for the expenditure of it. But it was false, if it was meant that the bank was bound to give the account, and then hand over the balance to the exchequer. The injustice of the bill appeared from this circumstance, that it wrested in a violent manner from the bank, the floating balance of dividends left there by the proprietors, and to the usufruct of which the bank was, by the consent of those very proprietors, fully entitled. The necessity of so violent a measure was extremely questionable: for if the exchequer process could reach the balance, which he believed was by no means the case, then it could not be necessary for government to have recourse to an act of parliament for the recovery of that, for which the ordinary course of law had already provided a remedy. On the other hand, if the exchequer process could not reach the balance in the hands of the bank, and compel that body to pay it into the exchequer, it must be obvious that government was now going to seize, with a strong hand, that to which it had not a legal title; and to wrest it from those in whose custody the money was left by those, to whom and not to the public, it exclusively belonged. Amongst other things, he accused the minister of having departed, on this occasion, from the assurance he had originally given, that sufficient provision should be made for the payment of the whole 500,000*l.* at the bank immediately, if, at any time, it should at once be demanded. He admitted, however, the great improbability that such a circumstance should ever occur; but in all contracts where public faith was concerned, he thought the creditor should not be placed in other circumstances than those upon which his money was originally deposited; whereas, in the present instance, he was constrained, and violently obliged, to adopt the security and regulations which the necessity, or, perhaps, the caprice, of government allowed him. Cases might possibly occur where the delay of half an hour might be of the utmost consequence to a man on the point of leaving the kingdom. One instance had lately occurred, when one gentleman had to demand dividends to the amount of 40,000*l.* in one day. This he considered as a very singular case; but finding that there was one so extraordinary, it must be allowed at least possible, that one man might have a claim of more than 100,000*l.* to make in the same day. Other claimants, might, previously to this, have exhausted the balance in the hands of the bank; and when the man should appear to tender his great demand, he must wait till the bank had sent to the exchequer for money to pay him, and he must also be at the hazard of the executive officers of the Crown not attending, possibly, to the due performance of their duty; and also take the chance of the money being in fact in the exchequer. He replied to what Mr. Yorke had said about his disrespect for lawyers, which was erroneous; but however much he respected any profession, he never could forget his duty to his country and regard for justice. In the opinions he had adopted on this business, he went with almost all the eminent men of the profession who had been consulted. One name only he had heard mentioned, who gave a different opinion, which perhaps might be a good one, but he owned to him it was unintelligible. He thought, as the

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preamble set forth what was to be the spirit of the bill, it ought to be understood thoroughly before the clauses that proceeded from it were debated at all.

Mr. *Pitt* said, that whatever right his opponent might have to use strong and violent language in his remarks, he certainly could have no right to the use of unfounded assertions. In this class must be placed the imputation against him, of having said that provision should be made for the payment of the whole 500,000*l.* immediately, if demanded. His real declaration was, that provision should be given for the payment of the whole sum on the same day, if so extravagant a supposition was made, as that such a prodigious number of people as were entitled to unclaimed dividends could possibly come at the same time to demand them. The inconvenience, however, which it was supposed might ensue on the score of delay, would at once vanish, when they considered the impracticability of the bank's being able to undergo the mechanical operation of paying such a variety of people on the same day. The clauses of the bill notwithstanding provided, that, in case any claim ever was made, which was likely to diminish the balance of 100,000*l.*, the money should, on notice, be immediately forthcoming from the exchequer. Neither credit nor convenience could therefore in any degree suffer; for as to the possibility of the delay in this case, which was as remote as any possibility that could be stated, the circumstance would not be quite new to the bank of England. In many cases they were obliged to delay payment, as in demands where forgery was suspected; and in other cases of testimentary inheritance, where documents or proofs were required, to know if the demands were made under the proper title. Whether an exchequer process could or could not reach the balance in the hands of the bank, was a question not at all connected with the present case. It was held by many, that such process could not reach a balance in the hands of the bank, or of any other public accountant, until an account should have been previously settled. But the present case differed widely from that; for there was no question now of reaching the balance of an account stated and audited, but merely a floating or cash balance, and such as an exchequer process might possibly not be able to reach; and therefore he was not acting an unnecessary part, in having recourse to the legislature for means of recovery, which the laws already in being did not afford him. If the measure then before parliament was not unnecessary, still less was it unjust. It did not deprive the bank of any advantage to which it had either a legal or equitable right. In providing payment of dividends on the national debt, parliament never could have had more than two interests in view; the interest of the public and that of the public creditor. He knew of no middle interest; and consequently he could not admit that the bank had any right at all in this business, or at least any which it could found upon law or right. There were many cases which occurred to him, in which he was of opinion, that the right of the public to unclaimed dividends, must appear unquestionable, and in which the proceeding could only be by act of parliament, and not by any process of law. He would put one case. He supposed that 150 years ago the national debt had amounted to ten millions sterling; that instead of having since increased, it had been all paid off except 50,000*l.* He asked whether parliament might not with justice appropriate to the public use this latter sum, which for 150 years should have remained unclaimed? Certainly the justice of such a measure could not be disputed, and yet if the principle laid down by the right hon. gentleman was founded, it would be impossible for the nation ever to avail itself of this sum, because it could not do so without depriving the bank of the usufruct, to which he said it had a legal and undoubted right. With respect to the preamble, he was of opinion that it ought to be postponed, because such alterations might be made in the clauses, as afterwards might render it necessary for the committee to make alterations in the preamble; and as it would be an awkward way of proceeding, first to agree to the preamble, and afterwards to alter it, the wisdom of the House had established an usage, from which it would be unwise to depart, namely, for the committee upon a bill always to begin by postponing the preamble.

Mr. *Fox* said, it was his wish and determination to have this question of legal right fully discussed and probed to the bottom; and he not only considered it his duty, but was happy to declare his decided opinion against what had been remarked. He believed that the right

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hon. gentleman's opinion on that particular question, was the same as his; and he insisted that it became him to state it in the same fair and open manner to the House, that gentlemen might be able to judge properly on the relative situations of the parties interested. The right hon. gentleman had cautiously eluded entering into a discussion of most of those points which had been stated in opposition to him, both during the present evening, and in every other stage of the debate. He thought the proprietors of unreceived dividends, and all stockholders, were equally interested, and equally entitled to information and justice; and that the meaning of the preamble was an essential part of the bill, and required to be fully and unequivocally explained. If, however, that conduct of evasion, by eluding every inquiry, was to be continued, he must give it no other name than scandalous dealing with the public. As to the right hon. gentleman's supposition about the national debt amounting to ten millions 150 years ago, and being paid off in the course of that time, leaving a balance in the bank, he should not hesitate to contradict the right hon. gentleman's assertion, that it could be taken by exchequer process. The case was widely different. There certainly was some person who had a just title to this sum; and, after every method was tried in vain to find the proper heir, then the law had wisely presumed that there must be an heir for every thing inheritable, and had appointed the king as heir. How the public had afterwards any claim upon the use of the money, he should remain silent. It should be considered that these were perpetual, and not life annuities; neither could they be affected in any way by prescription. The case of paymasters was no ways in point; they had no title either to the custody or the use of balances on their accounts; and certainly an exchequer process might be issued against them, at any time before payment of balances; but even then, it was usual to have the effect of that process delayed, until their accounts were settled. But they were merely agents, and not trustees for any person, or in any shape: if such a power can exist as that contended for by the right hon. gentleman, let it be tried before a proper tribunal; let the exchequer assert its right, and if either judgment or justice appear in the proceedings, then it may become a question for the legislature to interfere in. For his part, he was anxious to see those curious provisions in the bill which were to clear up all the mystery and fallacy set forth in the preamble. Let him see them, and he would readily confess that they had been in the wrong.

Mr. *Pitt* explained what he had formerly said concerning floating balances in the bank, and argued that the three months allowed by the bill was a sufficient time to get the consent of the public creditors.

Mr. *Fox* maintained that the right to the custody of these sums was with the bank alone, till claimed by the legal proprietors; and that the bank, in the mean time, had the same title to the usufruct of that money, that they had to any other cash in their hands. It was a mere sham consent, and nothing else, which the right hon. gentleman imagined that he had obtained; for Mr. Fox insisted that all stockholders, and those who might be stockholders, must give that consent, which could be called a general and proper consent. A man might be very well satisfied with government security just now, but he might not be so for ever, nor even very soon, if circumstances altered as they might do. When his money was in the bank, he could change the security as often as he liked; but not so when once government had taken it.

The preamble was postponed, and the committee went through the bill.

March 25. Sir *B. Hammet* said, he held in his hand a petition against the bill signed by a most respectable body of the proprietors in the public funds. He had suggested his proposal to the bank of lending 500,000*l.* without interest, as long as the same should be unclaimed. There had, in consequence, been a meeting of the directors on the preceding day, and a meeting of proprietors was to take place upon the ensuing Tuesday.

The Petition was brought up and read, setting forth,

"That the petitioners are deeply interested in the public funds of Great Britain, and have invested their property in those funds with the most perfect reliance on the faith and justice of parliament, and in full confidence and persuasion that the legislature of Great Britain would never, without the consent of the proprietors, make any alteration either in respect to their securities, which consist

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principally in funds specifically appropriated to the payment of their annuities, or in respect to the mode of their payments, expressly stipulated and delineated in the several statutes that fix the conditions of the public loans; and that the petitioners have seen, with equal concern and astonishment a bill brought into parliament by the chancellor of the exchequer, the avowed object of which is to take back 500,000*l.*, part of the sums that have been issued, by the exchequer, to the governor and company of the bank of England, in pursuance of many acts of parliament, and particularly of the consolidated act, passed in the twenty-seventh year of his present majesty, being part of the funds appropriated by law to the payment of the public creditors, and expressly enacted not to be divertible to any other use or purpose whatever: That the principle of the said bill appears to the petitioners to have a direct tendency to destroy that confidence which natives and foreigners have hitherto reposed in the equity and justice of parliament, to violate the public faith solemnly plighted, and, by seizing on private property, accurately described, and standing as such in the books of the bank of England, to excite alarm and apprehensions of the most serious and dangerous nature: That the petitioners wish to be heard by counsel if it shall appear to them to be necessary, although it is a case that does not depend upon nice and intricate subtilty, or on a deep knowledge of the technical forms of law, but on the rights of British subjects, which ought in no case whatever to be invaded, and they petition for no more than a sacred observance of national contracts, containing express stipulations, easily understood, and ratified by solemn acts of the supreme legislature: under anxious apprehensions, not more sensibly felt on their own account, than for the good faith, the public credit, and the honour of the nation, and impressed with a sense of the duty they owe not only to themselves, but to the community at large, the petitioners intreat the House to take the premises into their most serious consideration: and pray, That no alteration in their security, for the better or the worse, may take place without their consent, and that the said bill may not pass into a law."

Mr. *Pitt* trusted the petition could afford no pretext for delaying the report. In his opinion, there was an irregularity in the mode in which the petitioners had desired to be heard by counsel, as they had not come forward until this stage of the bill.

Mr. *Fox* contended, that the conduct of the petitioners was not irregular; as they might, perhaps, have counsel ready to be heard on the report. He did not think himself possessed of sufficient weight to attempt now to oppose the report. But surely, if there was any business in which full time ought to be allowed, it was that in which the public credit was interested. The petition was a novel thing. It had not, he believed, happened, since the accession of the family of Brunswick, that a petition had been presented from the bank to the House of Commons against any measure with regard to money matters. In such an event, therefore, the most serious deliberation was necessary. A petition had now been presented, signed by the most respectable names, with regard to extent of property that had ever perhaps appeared in any civilized nation. He was not one of those who were apt to be too much influenced by regard to property, or to allow it too much weight in the deliberations of public business. On the contrary, he was of opinion, that in debates in that House, it was too frequently referred to, and too much stress laid upon it. But if there was any occasion, on which regard was due to property, it was the present. If there was any property deemed sacred, it was that which was vested in the funds. And any petition, proceeding from this quarter, ought to demand the most deliberate attention, and claim the most serious regard.

The petition was ordered to lie on the table. After which, the report of the bill being brought up,

Mr. *Chiswell* reverted to the measure which had been adopted when the term of payment of the long annuities had been altered in 1786. It had then been thought necessary to allow a certain time for those who might not approve of the bill to express their dissent, and then continue to be paid as formerly. This he recommended in the present instance, and should move the following clause: "That the proprietors of the annuities and dividends who shall not before the 1st of June 1791, signify their dissent to the paying into the exchequer the 500,000*l.* in books, to be opened at the bank of England, shall be deemed to assent thereto; but that in

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case a number of proprietors shall signify their dissent, then the money shall not be paid."

Mr. *Steele* said, that gentlemen opposite seemed to rest their arguments upon a necessity which they conceived there was for having the particular consent of every individual proprietor; but he never would allow that any such consent was necessary. The clause in the bill which gave the public creditor three months, after his dividend was due, for considering whether he would withdraw his money, or allow the security to be transferred from the bank to government, was perfectly sufficient for every reasonable purpose.

Mr. *Fox* approved of the clause, and hoped it would be adopted. He noticed what the hon. gentleman had said about the consent which had been, or could be obtained to this measure; which was a consent by inference, or rather a supposed consent. He allowed that there might be a consent by inference, or a virtual consent, such as that given to taxation, which the people gave virtually, because they, the House of Commons, whom the people had chosen as their representatives, agreed to it; but this was very different indeed from the consent which the hon. gentleman talked of. All that was asked by the clause was, that persons who were interested, might have an opportunity of giving their dissent, which was certainly fair. He had on a former occasion contended, and still would say, that not only the present proprietors of unclaimed dividends, but all stockholders, must give their consent before it was a proper consent because all stockholders may at some future period have unclaimed dividends. Many respectable proprietors had already given thir dissent, as appeared by the petition from the bank proprietors. He was not one of those who argued that the importance of a measure depended on the rank or wealth of those interested in it; but surely on a subject which was so materially connected with the security of the public creditors, very great attention and respect was due to the names, characters, and situations of such men as the petitioners. As to the bank of England, on all emergencies, the nation and they had acted together for a long time back. This was the first time since the accession of the Brunswick family to the throne, that the bank had found it necessary to make any application to parliament against a measure, which they and all the monied interest in the country considered so fatal to national faith and public credit.

Mr. *Pitt* conceived that the point at issue was simply, whether it was or was not necessary to have the consent of every individual proprietor and stockholder; and he had no hesitation in declaring that it was not necessary. The proprietors of the public funds were of two sorts; those who had unclaimed dividends in the bank, and those who were merely stockholders. The first were allowed, by the bill, three months to withdraw their money, and re-invest it in the bank, if they preferred that security to the public security; and the second having no arrears of dividends, had it in their power to draw their money whenever it became due, and place it where they pleased; and therefore could not be affected by the operation of the bill.

Mr. *Dundas* thought, that the time allowed by the bill was perfectly sufficient for the public creditor to determine which security he would prefer, the public or that of the bank. He replied to what had been urged concerning the bank being as trustees for minors, or others, whose property was left by will in the bank to accumulate for their use: and he thought it more reasonable to suppose, that persons leaving money in that way, wishing it to accumulate, would, rather be pleased to have the interest drawn regularly, and appropriated to some particular purpose, than to let it go into the general aggregate fund of the bank, liable at the same time to be, in case of certain emergencies, brought [to the use of the bank. He affirmed that no injury was intended against the public creditor, and that every opportunity was allowed him] to make choice of his security. He introduced the consolidation act, and other measures as precedents for varying public security; and concluded by noticing the unnecessary clamour which had attended this measure. The right hon. gentleman had, in his usual way, when he was at a loss for better arguments, appealed to the knowledge and the common sense of gentlemen upon the absurdity of a measure; but he did not suppose that would have much effect; and he had no hesitation in appealing likewise to their wisdom and good sense, on the propriety and justice of the present measure

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Mr. *Grey* could not help remarking the manner in which the right hon. gentleman had chosen to reflect upon his right hon. friend, for appealing to the common sense and feelings of the House, without admiring the justice of the reflection, by the readiness with which the right hon. gentleman had followed the same plan, no doubt conceiving that it would be much better and fairer, as coming from him. The changing of the security of the public creditor, not only without his consent, but absolutely against his will, was a measure on which little argument was necessary to convince any man of common sense, of its impropriety and injustice. He considered the implied consent, talked of by some people, as ridiculous in the extreme; when it was evident, that if the present clause was rejected, that the power of dissent was completely withheld from the creditor by the debtor, as well as the choice of security. The country had, upon many occasions of emergency, resorted to the bank for loans, which were readily granted; and though the exigencies of our affairs might again require similar aid, he hoped in God that period was not near at hand.

After some further conversation the House divided on the question, That the said clause be brought up:

TELLERS.

YEAS	Sir J. St. Clair Erskine Mr. M. A. Taylor - -	45
NOES	Mr. Steele - - - Sir William Young -	136

So it passed in the negative. After which, the report was agreed to.

The King's Message respecting the War between Russia and the Porte]. May 28. Mr. Chancellor Pitt presented to the Commons the following Message from his majesty:

"George *R.*

"His majesty thinks it necessary to acquaint the House of Commons, that the endeavours which his majesty has used, in conjunction with his allies, to effect a pacification between Russia and the Porte, having hitherto been unsuccessful, and the consequences which may arise from the further progress of the war being highly important to the interests of his majesty and his allies, and to those of Europe in general, his majesty judges it requisite, in order to add weight to his representations, to make some further augmentation of his naval force; and his majesty relies on the zeal and affection of the House of Commons, that they will be ready to make good such additional expenses as may be incurred by these preparations, for the purpose of supporting the interests of his majesty's kingdoms, and of contributing to the restoration of general tranquillity, on a secure and lasting foundation.—G. *R.*"

Mr. *Pitt* moved, that the message be taken into consideration to-morrow.

Mr. *Fox*, with more than usual solemnity, observed, that he should not say a word in anticipation of so important a debate, as that on the message they had just heard till the time when the debate on it should come; and come when it would, the subject, he declared, deserved the most serious attention of that House. He was extremely sorry to think they had fallen into a situation of misfortune so sudden and so unexpected, after what had passed in other countries, as well as at home. He only rose to ask the right hon. gentleman whether he meant to do any thing more the next day, than merely to move an address of thanks to his majesty, in answer to his message? If that were all, he saw nothing exceptionable in such a motion, either the next day, or even at that moment; but if, in the address, the right hon. gentleman meant to include any thing like approbation, or a promise to support the expenses which his majesty had been advised to incur, he thought that next day would be much too early. He trusted that, whatever confidence the House might have in the minister, they had not yet gone on confidence so far as to profess themselves ready to support the King's expenses, without having before them any sort of ground of information whatever, to enable the House to judge whether those expenses had been justifiably incurred, or were likely to be wisely and properly laid out. He therefore wished to know, whether they were to do any thing more the next day than merely to thank his majesty for his communication; and whether there was not to be laid before the House some farther information upon the subject, than what they had then before them.

Mr. *Pitt* believed, that on all occasions of that nature, it had not been usual to delay the consideration of any message from his majesty longer than the next day; and he well knew there were, on the present occasion, many reasons why they

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should seize the earliest opportunity of considering the message. He should therefore certainly persist in moving, that this subject should be taken into consideration to-morrow; and any member who disapproved his doing so, might then move to adjourn the consideration. In the vote of thanks to his majesty, would be included the unanimous resolution of the House, that they would be ready to vote such supplies to defray the expenses likely to be incurred as should be necessary. He added that he did not mean to enter at all into any debate then; but there was no ground for expecting any further information than that contained in the message itself.

Mr. *Fox* could not help considering this mode of plunging the nation into war and expense, without deigning to acquaint them with the cause, or even the pretext, of such measures, as a very new, violent, and extraordinary step indeed.

The motion was agreed to. A similar message was this day sent to the Lords.

Debate in the Lords on the King's Message respecting the War between Russia and the Porte]. March 29. His Majesty's Message being read,

Lord *Grenville* said, he felt no difficulty in rising to move an address of thanks to his majesty, for the important information which he had been graciously pleased to communicate to their lordships in the message now before the House, because he conceived that there could be no difference of opinion upon the propriety of the motion which he should have the honour to make before he sat down. It must at all times, he allowed, be a disagreeable task to introduce any measure, the consequences of which tended, in the smallest degree, to lay additional burthens upon the people; and there was no man felt that sentiment more forcibly than he did. For certainly those who were chiefly concerned in the administration of the executive power must feel the painful task which their duty imposed upon them in a degree, equal to the share they were obliged to take in that duty. One thing, however, was to be considered as rendering the task less embarrassing, and that was the necessity for the measures that might occasion such burthens, and the probability that they would be successful in preventing any future additions to the distresses of the country. He begged to remind their lordships of what had passed in the beginning of the session, when the king's most gracious speech from the throne was discussed by their lordships; and he trusted that the same confidence in the executive government, which had then so eminently marked their proceeding, would be followed up now by a similar readiness to concur in whatever may be expedient for securing the wishes of his majesty and the people at large, by establishing and securing a solid pacific system over all Europe. To do this, the encouraging and keeping up of continental alliances was absolutely necessary; and the avowed approbation which their lordships had given to the system of continental alliances that had been entered into, left him no room to doubt that the same confidence would be now reposed in his majesty's servants, that they had been honoured with in a similar situation at the opening of this parliament. His lordship made some remarks on the propriety of augmenting the naval force, and concluded by moving an address of thanks to his majesty, couched in the same terms as the one moved in the Commons by Mr. Pitt.

Earl *Fitzwilliam* admitted, that having entered into alliances, we must necessarily support them; but he questioned the grounds upon which we were obliged to arm and enter into a war, the expense of which must be paid by this country. He declared, he saw no danger of an attack upon Prussia, nor could he discover any ill consequences likely to arise from Russia's keeping in her hands Oczakow and Akerman; and her insisting upon holding those two places, his lordship said, was generally understood to be the ground of difference that had created the difficulty, which inclined ministers to advise his majesty to increase his naval armament. His lordship reasoned at some length on these particulars, and contended, that ministers should have given the House more explicit information on the subject of the message, before they called upon their lordships to vote an address of the nature of that moved by the noble secretary of state, as he, for one, could not consent to vote upon any such blind confidence in ministers. The noble earl then moved an amendment, the purport of which was, to lament that his majesty's endeavours to restore peace to Europe had hitherto proved ineffectual, and to assure his majesty of the support of that House, whenever sufficient grounds should be laid be-

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fore them, to show that there was no prospect of success without the increase of his majesty's naval force.

The Amendment having been read from the woolsack,

Lord *Stormont* rose merely to put a question to the king's servants, and begged the indulgence of the House to be hereafter heard more at large. He then called upon ministers to state, whether they meant to give the House any farther explanation on the subject, than the general inference to be deduced from his majesty's message?—No answer being given,

Lord *Porchester* rose, and expressed his indignation at the conduct of ministers in obstinately persisting in silence, on a subject which called, in his mind, so much for explanation, since it would plunge the country into an expensive war on account of powers whose affairs in no sort concerned us. He reprobated, in warm terms, the projects of the minister, and said, he was almost tempted to wish that France had at present recovered her vigour, that she might have been able to have opposed some check to the career of his ambition. His lordship censured the convention of the last year, and declared, that another of the minister's projects, namely, the war in India, a war merely of conquest, was in the highest degree reprehensible. He contended, that the country was incapable of supporting the expenses of a war, that the peasants were starving, the manufactures shackled, and that the revenues then raised, were an anticipation of the nerves and sinews of posterity, who were to be plundered of their rights, for the purpose of supporting the schemes and projects of ministers, and of restoring the fortress of Oczakow to the Turks. To maintain these objects of mad ambition, the minister was shaking public credit to its foundation, by seizing on the dividends due to the creditors of the state, and by exhausting the treasure of the country. So convinced was he of the folly and impolicy of the measure, that he would not only resist it in the first instance by his vote that day, but pledge himself to oppose the supplies when they should be moved for, in order to carry the measure into effect, and in every other shape in which it might hereafter come before the House

The Earl of *Carlisle* objected to the address on similar grounds. As the matter stood at present, his lordship contended, that it was impossible for the House to know, whether they were then called upon to provide an armament to assist Prussia in any of her schemes, or to support the Turks. They could not vote the address but upon confidence merely; and he begged to know upon what ground ministers called for such confidence? Did they rest their claim upon their conduct last year? By that conduct, and by the subsequent measures, he could not tell whether the armament which had then taken place, had really been intended to act against Spain, or to assist Sweden. If the present measure was in contemplation when the King's Speech was delivered, why did ministers disarm? Why not use the force they then had afloat? As it was, the fleet had only served to pillage the public, and to make a show between the Isle of Wight and Portsmouth. The earl said, if we were resolved to enter into continental alliances, we should have made such as would have been most likely to have proved serviceable to us, and have considered that Russia was the natural ally of this country. We had neglected to cultivate the friendship of the empress, and now we were going to provoke her still farther. His lordship argued strenuously upon the impolicy of a war with Russia, and said, that called upon as the noble secretary of state had been, he ought, out of respect to the House, to have given an answer; but it had been the plan of the present ministers to treat that House with less respect, than had been the practice of any of their predecessors; they came down, therefore, and without offering any explanation of the measures they proposed, called upon their lordships to give them implicit confidence, and vote whatever they desired. His lordship reprobated this conduct; and having called upon the noble secretary to say, whether the conduct ministers were about to pursue, was in consequence of any obligation they had entered into by a specific article of any treaty, he concluded with declaring, that he would support his noble friend's amendment.

Lord *Grenville* complained of the unfairness of imputing to him a disrespect for the House, because he did not think it incumbent on him to answer a question put to him by an individual member. No man entertained a more profound respect for the House than he did, but he hoped he should not so far forget his duty in the situation in which he stood, as to answer

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any questions, the reply to which might be productive of consequences prejudicial to the public interest. With regard to the question put to him by a noble lord, he had no hesitation distinctly to state, that the measure to which his majesty's message alluded, was not the result of any obligation entered into by specific treaty, but was a measure grounded in expediency.

Lord *Stormont* rose again to claim the indulgence he had before asked of the House, while he went rather more fully into the subject. He began with observing, that they had been told the measure on which his majesty's message turned, had been stated to the House in his speech from the throne, at the commencement of the session. He must, his lordship said, have drank deep of the waters of oblivion if any such statement had been at that time made, as he did not recollect a single word of it. The House were now called upon to place an implicit confidence in ministers, and to vote the address, assuring his majesty of their support, before they knew any thing of the ground on which their support was required. From the situation in which he had stood, and from the habits of his life, he declared, he was as ready as any man to give ministers as much confidence as the nature of the case, and the conduct of public business required. If ministers were to say that they dreaded an attack from an insidious enemy, as they had reason to believe that enemy not only meditated such an attack, but had actually prepared to make it, that would be a fair ground of confidence, and he would willingly have voted whatever ministers, so circumstanced, might have asked. But in the present instance, without any explanation whatever, to call for confidence, was, in his mind, a most unreasonable expectation. His lordship said, he understood that we were bound in our treaty with Prussia by no specific proposition whatever not perfectly consistent with a defensive treaty. What, then, was this country and its ally about to do? They were about to change a defensive into an offensive alliance, by an aggression the most gross of any that had ever stained the annals of history. The armed mediation we were about to adopt was, to force Russia to relinquish every advantage she had gained in a long and bloody war, into which she was forced by the open aggression of the Turks: and God forbid, he said, that any of that blood should be laid to the door of this nation. He had heard reports, however, to that effect, and he sincerely lamented that our conduct had too much warranted the suspicion. His lordship argued against the measure, which he considered to be the very next proceeding to a declaration of war: and contended, that we were about to hold a conduct, with respect to Russia, which Louis 14th, in the plenitude of his prosperity, when surrounded by sycophants, and revelling in all the lust of lawless power, would have been ashamed to adopt. Ministers had refused to give that House any explanation, and yet every barber and common newsmonger that ran about the streets knew what the terms insisted on by Russia were, and these terms, considering the success of the empress's arms, he thought terms founded in moderation, and such as the empress was justified in adhering to. He entered into a long discussion on the effect of Russia's continuing to hold Oczakow and Akerman, and maintained, that no cause of apprehension could fairly be drawn for their remaining in the hands of the empress. He stated the ill success that had attended the last enterprise to the Baltic, when sir Charles Wager had been sent there in the reign of George 1st, and thence inferred that we had little probability of greater success. Report, he understood, had said, that Spain had thanked us for our conduct; he accounted for this by declaring, that Spain had always wished to keep the fleets of Russia out of the Mediterranean, and if we achieved the object for Spain, she certainly would be obliged to us. He charged the present administration with permitting the advantage of ascendancy in foreign politics to escape them, which was held out to this country by the languid state of France: instead of taking the advantage of the cessation of her intrigues, which pervaded every court, they were actually doing what France herself would have endeavoured to have done, namely, to make Russia the enemy of England, and to support the Turk against Russia. He gave a history of the fate of the Turks, from the time of Francis 1st downward, and said, they had always been an instrument in the hands of France, which she had in her power to wield at pleasure, and would again wield, if ever she regained any part of her former power; and it was his opinion, that in some way or other she would again

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recover, and become formidable to this country. In supporting Turkey, we were supporting a state with which we had the least to do of any on the face of the globe, and were placing our natural ally, Russia, at the greatest possible distance from us. He contended, that no accession of strength or territory to Russia, in Turkey, could be injurious to us, or to Prussia. Where then, he said, was the justice of entering into an hostile mediation, which never could be considered to make part of a defensive treaty? We were now about to do with the Turks exactly what France would have wished us to do. It had been observed by a noble earl, that Russia was our natural ally: she certainly was so; and the great lord Chatham had always reprobated a connexion with the Turks, and, on the contrary, advised an alliance with great maritime powers, as the fit alliance for Great Britain to enter into. He assigned, as a justification of the empress, that she had been unwillingly drawn into the war, and that the Turks had been guilty of the first aggression: that circumstance considered, and also the great success of the empress's arms, his lordship thought that her insisting on no greater terms now than she had done before was a proof of her moderation. If ministers, after holding a language of peace so long, had altered their system, he advised them to imitate the example of the duke de Richlieu, and like him, to send a card to all Europe, stating, that "the maxims of the council were changed." His lordship imputed the disagreeable situation into which this country was involved, to the imperative and haughty language held by the minister to Russia; and he knew not, in the annals of the world, where such language had ever been wise: but if, in this instance, it had been wise, why was not our fleet sent earlier to the Baltic, when we had a friend in the king of Sweden? Sweden, however, report said, had expectations held out to him, but he was abandoned; and by the statement of his ambassador to the Porte, the desertion lay between England and Prussia. He stated the opinion of maritime men to be, that an entrance into the Baltic, with no friend there, would be extremely disagreeable; but even supposing we should be successful, and Russia induced to give way for the present, he feared the event would not be prosperous; for he understood the empress, for intrepidity, resolution, and firmness of mind, affected to resemble our Elizabeth, but the comparison ran not upon all fours; she might, therefore, be oppressed for the moment, but not disheartened and over come. His lordship concluded with solemnly protesting, that the opinions he had delivered were his sincere opinions, and such as he would have given had he the honour of a seat in his majesty's cabinet.

The Duke of *Richmond* said, that his idea of the sort of confidence asked by ministers, was no more than was expressed, viz. for an augmentation of the naval force of the country, in order to give weight to negociation; and in agreeing to that neither he nor any other noble lord pledged himself to support any subsequent measure. With regard to what had been said against it, he declared, he knew not what answer to give to mere suppositions and cases hypothetically put. Much of what had been said struck him as rather extraordinary; for instance, among other things, that the armament prepared last year against Spain, had originally been intended for the aid of Sweden. His grace observed, that the assertion of a noble viscount, of every barber being acquainted with the terms on which Russia would make peace, was rather unfortunate for his lordship, as the barber would be in possession of much better information than the noble viscount, his statement being completely erroneous of the empress being inclined to make peace by relinquishing all the advantages she had gained, excepting Akerman and Oczakow. He declared, that in voting for the address, he pledged himself for no one measure to be proposed in consequence.

Lord *Loughborough* said, that to the proposition of the noble duke he gave his cordial assent. He should be ready to yield all opposition to the motion for the address, if the true parliamentary and constitutional ground taken by the noble duke were adopted by the House; that they were not to be considered as pledged in the most distant degree, by the address, for any measure that should be taken by ministers in the negociation with Russia, to give strength and efficacy to which his majesty thought it wise to make an addition to the naval strength of the kingdom. It was constitutional and parliamentary language, and he adopted it implicitly. Undoubtedly they ought not to be pledged by a vote of thanks for his majesty's mes-

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sage, to any thing but a declaration of their readiness to give strength to his negociation. They ought not to be pledged to countenance the exertion of that force hastily, nor to be committed on any one measure which ministers might take in consequence of this address. But while he heard the noble duke thus declare, in true constitutional language, what would take off much of his objection to the motion, he could not forget the arguments used by the noble secretary of state who made it. The noble lord, in proposing the address of thanks, said, that the measure of his majesty's interference in the war between Russia and the Porte, and the purport of the message now delivered to the House, was clearly pointed out in his majesty's speech from the throne, on the opening of the session; and that the House had countenanced the measure by their address of thanks for that speech, and by their resolution for the number of seamen to be employed for the service of the year, as the number it seems was greater than the regular peace establishment. The noble lord thus changed the ground from that taken by the noble duke; for he thus stated that their lordships were prepared for what had happened, and that they were committed by what they had done. He begged leave to deny, that in the speech from the throne on the opening of the session, there was any reference that could justify the conclusions drawn by the noble secretary. The speech alluded to the separate peace that had been made between Sweden and Russia. Certainly the noble lord did not mean to say, that that peace had been brought about by the mediation of his majesty. It mentioned, indeed, that his majesty's endeavours had been successful in restoring peace between the emperor and the Porte: but there was no intimation given that his majesty had resolved, by an armed mediation, to restore general peace to Europe, much less did the address of thanks countenance any such admission. That the marine force was greater than the regular peace establishment, was accounted for naturally by ministers. An abrupt termination of the dispute with Spain, prevented them on the sudden from disarming the ships. The squadron of admiral Cornish was at a distance, and therefore, for a time at least, it was stated that the maritime force must necessarily be larger. But so far were ministers from inspiring the nation with an idea that we might still have occasion for force, or that the British court was to be involved in the politics of the north, that their language and actions were calculated to give the contrary conviction.—Now, however, the words of the king's speech on the opening of the session, and the address, were stated as grounds of information and pledge. Ought not their lordships, from this fact, to be guarded in what they now did? For something more than what the noble duke required was required by others; and without a syllable of information, without having one word communicated to them of the necessity, the expediency, or the wisdom of the measure, they were to be pledged to a preliminary act that led to a positive aggression against Russia. Before noble lords went this length, surely it would be prudent in them to deliberate. It would be wise to reflect before they did an act so calculated to involve their country in the calamities of war, to ask themselves by what provocation, from what necessity, or for what end they were thus to engage in a war at the most remote part of Europe, against that power of Europe, which had ever been called the natural ally of England. It was a matter of most serious consideration to every noble lord, by what fatality it was, that year after year, we were thus to be involved in disputes with every power, in every quarter of the world. Were they to travel on in this course of blind and irrational confidence, yielding an implicit obedience to every scheme of ministers, what must be the result to the kingdom? He did not hesitate to say, that this measure, unexplained as it was, amounted directly to an aggression against Russia; for his majesty, it seems, had sent a mandate to the court of Petersburgh, to which the empress had not thought proper to yield. He was now to enforce that mandate by arms. If she persisted in refusing his mediation, the kingdom was either to retreat, or to follow up their imperious menace by war. But it was fortunate for us, that we were yet upon the brink of the precipice, and before we plunged into the abyss, we ought to pause and look round us. What were the commercial or political purposes which we had in view, to justify a breach with the empress; a breach which he was afraid had been widened from the intolerable arrogance of the language held to her, and which that high-spirited princess could never brook? Was it intended, that

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while the British fleet entered the Baltic, a Prussian army was to march through Livonia, to the gates of Petersburgh? But if even Petersburgh were taken, would that put an end to the war? Would they pursue their victory to Moscow? In short, it was impossible to see the end of the calamities to which this unfortunate dispute might lead.—The noble and learned lord, in a style of high and animated eloquence exhibited a picture of this horrid spirit of insolence and ambition, which had sprung up in his majesty's councils, and hurried them to excesses in every quarter of the world, that must terminate in the ruin of the empire. Like a beast of prey, we scoured every quarter of the globe for victims. He would not say, that his indignation was roused; he was come to a time of life not favourable to an emotion so high. But it was with astonishment and horror, that he saw the system of the king's ministers taking a general sweep of all nations and kingdoms; meddling, irritating, and insulting in one place; in another, directly and avowedly rearing up the power of the empire, to crush and exterminate. Thus, in the present instance, we were to be involved with Russia, for no cause which ministers could assign, and with no beneficial tendency that they had explained. And he hazarded an unqualified declaration, that we thus provoked the empress unjustly, and without cause, to war, and were the guilty aggressors. In like manner, but with still more unpardonable guilt, he pledged himself that it should be proved incontrovertibly to their lordships, that in India, we had not only made a direct aggression, but had entered into a treaty with the Mahrattas and the Nizam, to exterminate Tippoo Sultan, and to make a partition of his country. It was a direct avowed article of the treaty; and he would pledge himself to prove, that this project of horrid ambition was dictated from England. Could we expect to be suffered by enlightened Europe to proceed in this course? Or, turning our eyes to the melancholy condition of our own resources, could we fancy it possible, that the people could endure the burthens that were heaped upon them? Let their lordships look back to the low eleemosynary and yet most oppressive measures of finance, to which, for his last project of ambition, the minister had had recourse; an attack on the poor, but wholesome beverage of the yeomanry, of that large and valuable description of persons, who, without disparagement to the manufacturers, were of more consequence to the country, than any other part of the community. The tax lately imposed on them, amounted to a complete tenth of their annual beverage; and thus their vigour was to be destroyed, their comforts withdrawn! and, though it was so much the true policy of the state to preserve the health of this valuable order of the people, they were to be deprived, for six weeks in the year, by the operation of this tax, of a drop of beer to invigorate or to sweeten their toil. Could their lordships flatter themselves that this could continue; or that a system of general outrage of mad ambition, of conquest, and of depredation, could be maintained by such resources.—He did not wish to enter into any detail or eulogium on the measures of the national assembly of France: but surely their magnanimous and truly political declaration, that they would for ever avoid wars on speculative and theoretical points ought to have suggested to us a wiser and more elevated system than that which we had lately pursued. The revolution in France presented to us the means of reducing our establishments, of easing the people, and of securing to them for a length of years, the blessings of peace. But, instead of this, without provocation, we ransacked the most obscure corners for enemies. We departed even from the old system of connexions, which experience had pointed out as the most congenial to England, and a new balance was to be given to Europe. If the noble secretary had stated to their lordships, that a treaty had been entered into between his majesty and the king of Prussia, or that engagements had been contracted which, whether wise or the contrary, now forced the nation to exert its arms, the question would have been materially different and their lordships might perhaps have been willing to adopt what they had had no share in advising; but the noble secretary had explicitly declared, that his majesty was bound by no treaties and by no engagements whatever, and that the measure now proposed was to be adopted from no other motive than that of expediency. Their lordships were thus left completely to the exercise of their own understanding, and being disentangled and free, it became them to deliberate before they plunged their country, enfeebled and exhausted as it was, into the

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expense and horrors of a war, to countenance which, not one syllable had been said to illustrate the expediency on which it was defended.

The *Lord Chancellor* said, that he could not avoid remarking on the very extraordinary language which had been held by noble lords, as to the respect and decorum of that House. It was thought, that if an individual lord asked a question, the obvious answer to which might violate the sanctity of his majesty's councils, a just unwillingness to answer such question, was construed into disrespect to the body. He confessed he could not perceive the propriety of this remark. Noble lords asking questions, merely for the sake of argument, ought not to attribute the silence of ministers to disrespect, since ministers could alone be the proper judges of what it was safe to disclose.—He said, the message was a clear, distinct proposition, which required no other matter and no other information, to enable their lordships to do all that was required of them by the motion. His majesty signified to the House, that his mediation for peace had failed, and that he thought it advisable, to give strength to his negociation, to make an addition to the naval force of the kingdom. This measure, in its very nature, called for confidence; since in arming, the House invested the ministers with power, for the exercise of which they were responsible. The question was simply then a matter of confidence. Some noble lords might be indisposed to trust ministers; others might have full confidence in them; and they would severally act upon the dispositions which they felt. But he agreed perfectly with what had fallen from the noble duke, that no noble lord was pledegd to the approbation and support of any one measure which ministers might take, in pursuance of the confidence thus placed in them.—But perhaps it might be right to take into their view the object of this armament. The treaty with Prussia was purely defensive; but yet in his humble conception (and on subjects of state he begged to be understood that he spoke with deference to statesmen), a liberal and broad construction was to be made of treaties, even of a defensive nature. It was their duty to enter into the views, and to take part in the interests of their ally, without a rigid adherence to the mere letter of the contract. For instance, if it should be clearly seen that the Russians, by their conquests, were surrounding the whole of Poland, and acquiring by that means an ascendency in the republic, injurious to Prussia; nay, that she was stretching herself out so as to trench upon the emperor; he thought, that it ought to be the conduct of a good ally, to enter into the views of Prussia, and stop a career that so materially threatened her interests. For in his opinion, the intrigues of France had never assumed a bold, a manly, or a political aspect. They were, in his mind, a tissue of political fopperies, as distant from true wisdom, as from morality and honour. In nothing was this more manifest than in the use which she had made of Turkey. She had degraded the Ottoman Porte into a mere instrument, which they had employed in most disreputable projects, always discreditable to themselves, and always injurious to the Turks. He was by no means of opinion that the Turks were not capable of being made highly serviceable to England, and he could not yield to the common opinion, that Russia was the natural ally of England. If she were the natural ally, she had acted in a very unnatural manner.

The Marquis of *Lansdown* began with observing, that it had been said by a great general, that it was right in the conduct of an army to play off a stratagem upon an enemy, the better to deceive him; but that it was extremely unwise to play off such stratagems too frequently, lest he should discover the deceit, and the stratagem should fail altogether of its effect. The maxim appeared to him, to be in some sort applicable to the conduct of the present ministry. They seemed to consider themselves as the general, and the public as the enemy. They had dealt much in stratagems; perhaps it would be prudent to attend to the other part of the maxim, and not repeat them too often, lest the eyes of the public should be opened. "Give us," say ministers "confidence and supplies at present; hereafter we will give you accounts, and reasons, and statements." This was the language of ministers, which had been used lately upon the rupture with Spain, and was now revived, when it was intended to embroil this country in the affairs of the continent.—The marquis ridiculed the lord Chancellor's declaration, that some noble lords were so disorderly, as not to come down to hear the King's speech from the throne. It might happen, that a message might be sent from his

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majesty, requiring the approbation and support of certain measures. It might happen, that the ministers, from pretended motives of expediency and convenience, might decline giving any account of the nature and tendency of these measures; but might pledge themselves for their public necessity and usefulness, and hold themselves out as bound to be accountable with their heads for the result; on the faith of such assurances, a vote of credit might be given; the session might be nearly at an end, and hostilities might be threatened to be commenced; a peace afterwards might be patched up, and the people too happy to have purchased it at any rate, might forbear all future inquiry of the circumstances which had attended the disturbance, or the conduct which had been pursued in effecting the pacification.—He next alluded to the late armament against Spain, when ministers from holding out as a bait to the people the easy capture of Acapulca ships, the speedy possession of the mines of Mexico and Peru, and the certainty of success against a weak and defenceless enemy, whom we had taken unawares and off its guard, had led them almost to the very brink of a calamity the most fatal that could possibly befal this country. Such was the base and dastardly propensity of human nature, that it could not, he feared, resist temptations of that sort, but in the present case there were no such temptations to be held out; there were no Acapulca ships to be expected, no mines of Mexico and Peru, nor a weak and defenceless enemy. The Russians had iron, but no gold; they were a very different description of foes. The description he had heard of them above six and twenty years ago, when an officer came to give an account of their conduct in a battle to prince Ferdinand, had made such an impression on his mind, that he never should forget it. The officer had said, that the Russians stood firm and unmoved, as if they were born merely to receive blows, and seemed as little sensible of the assault and attack of the opposing force, as if they had been absolute stones and logs of wood. The king of Prussia, in the account of his own life, spoke of them as foes whom it was impossible to contend with; declaring, that they were wild and savage, as the beasts of the field. That the Russian sailor was brave, was universally known; it was true their mariners were indolent beyond all remedy; there was no getting any thing done by them on board their ships; but bring them once into action, and they would stand fire as firmly as our own seamen. Much stress might possibly be laid by ministers on sending a fleet up the Baltic; but what good could it do when it got there? All our skill in seamanship would avail us nothing; our men of war would lie opposed to the Russian vessels, and it would be rather battery against battery, than ship against ship. Nor could we expect to do any service with our large ships, but must procure gallies; and where were they to be had? Sweden alone could furnish us, and she would demand a pretty high price. She knew enough of us, not to be over ready to trust us again. Besides, she was the ally of Russia; but suppose she could be prevailed on to be neuter, she would make us pay dear for her neutrality. She knew we had given Prussia a subsidy of 800,000*l.* last war, and she would demand as much.—The noble marquis placed our quarrelling with Russia in a variety of disadvantageous points of view. He asked who was to assist us besides Prussia? Holland had just finished a loan for the empress, thus furnishing her with the very means to resist us; and the situation of the bank of Amsterdam, the bankruptcy of their East, and the condition of their West India Company, who had declared they would buy up their own bills, at 30 per cent. discount, showed the state of Holland at present. This was, he said, a pretty picture for an ally! From Spain we could expect no assistance, because we had lately given her a mortal blow, and we might lay our account with her seizing upon the first favourable opportunity of gratifying her resentment. We therefore had no ally besides Prussia; and were ministers so lost to all consideration as to imagine, that no allies would arise in favour of Russia? The Emperor, for one, would support her, and France and Spain would one time or other unite against us. The claim for confidence had been so often made and consented to, that the public were become weary of it, and very naturally wished to know, before the commencement of a war, what was the necessity for entering into it, and what the advantages which it might produce. They were particularly anxious for this information at present, on account of the probable extent and duration of the war with Russia, and were the more

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strenuous in asserting their right to it, because the late example of France had shown the respect paid to the people upon occasions of this sort. The national assembly of France had determined the right of making peace and war to be in the nation. And was it to be supposed that, in England, where political intelligence was so common, even among the lower orders of the people, that there was no general wish to be informed, upon what ground a war was to be undertaken, for which the people were to pay? A noble lord had said, that even barbers' boys, and the customers at ale-houses, knew something of the ambitious schemes of the empress. If this sort of knowledge was so common, it was a proof that inquiries would be every where made, concerning the origin of a war; and that the people would hear, with no small astonishment, how little information upon this subject had been bestowed, even upon parliament.—The question concerning the general propriety of entering into a war was, of course, very intimately connected with the state of the finances; but, where was the money to carry on such a war to be procured? The taxes lately imposed, and that which had been alluded to by a learned lord in particular, proved, that the money was not to be had. At that moment, the poor and laborious order of the people were starving alive. Ministers, whose duties kept them in town and away from the scenes of distress, might not know the real situation of the peasantry of their country; but the fact undeniably was, as he had stated it to be. He did not blame ministers for the puny means they had of late years resorted to, of supporting the finances and keeping up the revenue of the country. He gave them full credit for their ability, and in proportion to that ability was our situation melancholy; because, if men of their acknowledged ability could not find more politic means of raising money, what was the necessary inference? That the fault lay not with them, but with the country itself; that it lay in its loss of resource; and let it not be forgotten, that all that had happened in France originated in the accumulation of taxes. The late king of Prussia in his own life, talked of persons who had been led on from one step to another, after having first taken a wrong one, till they found themselves plunged in so far, that they knew not how to recover themselves. The word the king of Prussia made use of was *entrainés*. He shrewdly suspected that ministers were in this situation. That they were *entrainés*. Having made one false step, they had got so far, that they could not retreat. In every volume of his extensive work upon the events of his own times, that monarch had represented Russia as a power totally unconquerable and independent. Her armies of Cossacks and Tartars could not be exhausted; her territories could not be ruined; her cities could not be attacked. She had no occasion for allies; and when she united herself with them, it might rather be considered as a grant of protection, than as a stipulation for mutual succour upon terms of equality.—Perhaps language too high had been held in the first instance to Russia, and that provoking a haughty reply, the pride of the minister was piqued, and mistaking that for the pride of the nation, he would rather go to war, even without money, than confess his error; but the minister might rest assured, that the day was gone by when men were to be led to war at the caprice, or whim, or will of either sovereign or ministers. He mentioned the immense expense that a war of the nature we seemed likely to be drawn into would cost. He said, he remembered lord Chatham used formerly to ridicule Mr. Pelham's wars, and call them "pidling wars of four or five millions." No such narrow bounds limited our modern wars; we plunged into them with a lofty disregard of the extent of the expense, or the means by which it was to be defrayed. He declared, he believed ministers wished peace to all Europe. The whole of their system, with the single exception of the wild and wanton armament of last year, pointed to peace, and peace he sincerely thought was their uniform object. He hoped it was not true that the maxims of the council were changed. He could not agree with the learned lord near him (for all whose opinions he professed a sincere respect), that it would have been matter of more comfort if the noble secretary of state had declared that the motive of the measure hinted at in the message was any specific obligation. He rejoiced that it was merely a measure of expedience, because on that ground he had hopes of its being abandoned. He would earnestly recommend, that every expedient should be thought on and practised, that could be devised to avert the calamity. The

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mode in which the learned lord on the woolsack had defined the expediency of supporting both our allies, and the powers whose states lay neighbouring to those of our allies, in case they even suspected that another power meditated an attack upon them, he considered as altogether new and extravagant. He spoke of France and its revolution, declaring that a convulsion, frightful to think on, like that convulsion which France had just escaped from, must inevitably befal us, if we did not wisely set ourselves to prevent it. He would state distinctly what he meant: it was that convulsion which had brought its dreadful consequence upon France, if she had not had the resources of the produce of the church lands, the royal demesnes, and the exemptions of the nobility, which together had raised upwards of 200 millions sterling. Let it not be imagined that he wished to introduce the doctrines and conduct of the National Assembly. On the contrary, his desire was to keep them out of this country; we had no such resources to prevent a national bankruptcy, when a greater accumulation of taxes should force on that measure. He wished not to see the income of our clergy disturbed: collectively considered, it was not too great a provision for them. Our royal domains would scarcely produce any thing, and our nobility had no exemptions. Certainly the case of the two countries was widely different. The constitution of France was like an old, tottering, and decayed house, the timbers of which were rotten, and every part of it so much out of repair, that it was obliged to be taken to pieces and rebuilt. Our constitution on the contrary, was a respectable mansion not of a modern style of architecture, perhaps, but with good comfortable rooms in it, substantial walls, and sound timbers, and only wanted to be so far repaired as to be kept wind and weather proof, and it would continue for ages. He advised ministers, therefore, to preserve it as it was, and not by rash and ill advised innovation endanger its safety. It would certainly be strange, if, with the example of France before them, and the instances of confidence which were then reposed in the subjects, the people here should be led to vote the approbation and support of measures, of whose circumstances and tendency they were ignorant. The French had first set the example of a liberal and enlightened policy; the influence of which, it was to be hoped, would not be lost on this country, and would extend to the other nations of Europe. They had disclaimed all views of ambition and desire of conquest, and reserved themselves no pretext to engage in war, except from the motive of self defence. It was not prudent in ministers to press the people into a comparison between the importance and the power of the lower classes in England and those of France. It was the right of the Crown, by the constitution of this country, to make peace and war; but it was the privilege of parliament to grant or withhold the supplies, and it was the custom of the people to inquire why they were granted. He wished this custom to be attended to, and he knew that public discontent would be the consequence of continual secrecy. The marquis corroborated what had been said of lord Chatham, by lord Stormont. His deceased friend had always contended against any connexion with the Turks, as the *sine quâ non* of his system, declaring such a connexion would only lead us into scrapes and difficulties.

The Duke of *Leeds* said, he should hold himself unpardonable, standing in the situation of one of his majesty's advisers, if he were to content himself with giving a silent vote. The noble marquis, his grace observed, had begun his speech with a military allusion, and had talked of the stratagems of ministers. He wished the noble marquis had pointed out what particular act of his majesty's servants it was on which he had grounded that imputation. A great deal had been said, upon the necessity of ministers stating some of the leading circumstances which had occasioned his majesty's message: he did, however, most earnestly request, that noble lords would forbear urging any questions on that head, since his majesty's servants could not afford the satisfaction required, without a direct breach of their duty.

The amendment was negatived. Their lordships then divided on the Address: Contents, 97: Not-Contents, 34.

Debate in the Commons on the King's Message relative to the War between Russia and the Porte.] March 29. The order of the day being read for taking the King's Message into consideration,

Mr. *Pitt* said, that his majesty had communicated the general grounds, on which it had been thought requisite to make some further augmentation of the

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naval force of the country. It was undoubtedly a matter of great regret, that his majesty's representations, in conjunction with his allies, for the purpose of re-establishing the peace of Europe on a permanent basis, had been hitherto ineffectual; but while the House felt the advantages of that system of defensive alliance which had been so generally approved, he trusted they would be of opinion, that a temporary expense might be wisely and judiciously incurred, to prevent any alteration taking place in the relative condition of the powers of Europe, that tended materially to weaken the security which we expected to derive from that system. On this ground, the attention of his majesty's ministers had been directed to the general state of affairs in Europe; an additional force had been kept up with the approbation of the House, after the late armament, because the situation of affairs seemed to call for it; and farther addition was now judged expedient, because a change in that situation rendered it necessary. The House, he was persuaded, would see the propriety of persevering in the defensive system; and whatever opinions might be entertained respecting the general policy of continental alliances, or our immediate interest in interfering in the disputes of continental powers, there could be no difficulty in deciding, that if defensive alliances were to be maintained, it was our duty to adhere to these alliances, and our interest to prevent any changes in the general state of affairs that might render them nugatory and insufficient. It had once been a prevailing opinion in this country, that Great Britain, from the peculiar advantage of local situation, might maintain her rank and her consequence separate and unconnected with foreign powers; but from the moment that opinion was abandoned, and we had connected ourselves with other powers, there could be no doubt but that we were under the necessity of watching the progress of events in Europe, and taking measures to prevent the intent and purpose of those connexions from being defeated. As little would it be doubted, that the influence of the Turkish empire was of great effect in the general scale of European powers; and that the present situation of it was such as to afford just cause of apprehension to all the other powers, whose interests were in any degree liable to be affected by a diminution of that influence. In particular, the power and ability of our ally the king of Prussia, to give vigour and efficacy to the defensive system, into which we had entered with him, must be greatly affected by a diminution of the influence which the Turkish empire had hitherto maintained. Any thing tending to render the power of that empire in Europe unstable and precarious, must necessarily affect Prussia, and be highly detrimental to our interests, as far as they were connected by a common object with his, namely, mutual defence. Whatever might be the result of the war in which that empire was unhappily engaged, if it went to increase the power of Russia, the effect of it would not be confined to the two powers alone; it must be felt by the rest of Europe, and felt more immediately in that quarter, with which, in point of interest, we were most intimately connected. From these reasons, it was clear that we had a direct and important interest in the event of the war, and were not led to interfere by any remote or contingent hope of advantage. The House was informed that his majesty had made use of representations to secure the interests of his subjects and his allies. They were also informed, that in order to give greater weight to his representations, he had judged it requisite to make an addition to his naval force; and he submitted to the House, whether it was not more consistent, both with honour and with policy, to act with prudent foresight, and avert an impending evil by precaution, than to delay the remedy till the mischief was actually felt. He concluded with moving, "That an humble Address be presented to his majesty, to return his majesty the thanks of this House, for his most gracious Message: to express our regret that the endeavours which his majesty has used, in conjunction with his allies, to effect a pacification between Russia and the Porte, have hitherto been unsuccessful: that nothing can more evince his majesty's constant attention to the welfare of his subjects, and his concern for the general tranquillity, than his anxiety to contribute to the speedy termination of a war, from the further progress of which his majesty apprehends that consequences may arise highly important to the interests of his majesty and his allies, and to those of Europe in general: that, as, under these circumstances, his majesty judges it requisite, in order to add weight to his representations, to make some fur-

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ther additions to his naval force, his faithful Commons think it their duty to assure his majesty, that they shall be ready to make good the expenses which may be incurred by these preparations, for the purpose of supporting the interests of these kingdoms, and of contributing to the great and important object of restoring the tranquillity of Europe on a secure and lasting foundation."

Lord *Wycombe* said, he little expected that the right hon. gentleman would have called upon the House to approve of a measure, which might be considered as a preliminary to hostilities, whilst he withheld every information which could enable gentlemen to judge, whether such a measure was just, politic, or necessary. Such conduct was far from being respectful to the House, and could be excused only in this way, that the confidence by which the right hon. gentleman was supported was so blind and unlimited, that he was sure he might safely push it to any length. For his part, he felt no disposition to repose any such confidence in him; and he must condemn a measure which he considered as destructive of the interests of Great Britain, as it was contrary to the dictates of sound policy. If the right hon. gentleman had listened to those dictates, Russia would be the last power in Europe, against which he would arm; and perhaps the first, whose friendship he would court. He wished to know, what single advantage, commercial or political, a war with Russia would answer. If he would take the opinion of the British factory at Petersburgh, he would find that the friendship of the empress would be attended with great commercial advantages to this country; but that her resentment would be to the full as injurious to it. Viewed in a political light, a dispute with Russia was as little to be encouraged; for, what single political reason could we have for going to war with her? Had she invaded the territories of any ally of Great Britain? Or had she taken any one step for the purpose of injuring us, either in our commerce, or our sovereign's rights? In no one point of view could he defend the measure which the right hon. gentleman had pursued, and was pursuing, against the empress of Russia; and therefore, what he could not but condemn, he was determined to oppose.

Mr. *Coke*, of Norfolk, said, he was one of those who had never reposed any confidence in the right hon. gentleman: and he certainly should not begin this day to give him marks of it. The truth was, that after having watched with a jealous eye all the measures of his administration, he could safely say, that he could not place confidence either in his abilities or his integrity. His conduct on this day was of a piece with that which he exhibited in the case of the late dispute with Spain: he called upon gentlemen to vote away the money of their constituents, and modestly expected that they would do it, though he refused to produce the documents by which they might have judged whether the disarming of the fleet might not have taken place sooner. But he, for one, would not be so complaisant as to load his constituents with burthens, merely because the right hon. gentleman was willing to impose them; he would not consent to add to the weight of taxes already insupportable, to gratify the whim or caprice of a minister, who was ready to go to war at the call or nod of any foreign power, and for an object in which this country had no concern. Resolving therefore to keep in view the interests of Great Britain, he had drawn up an amendment, which he would move without further preface. He then moved to leave out from the word "unsuccessful" to the end of the question, in order to insert these words instead thereof: "To assure his majesty, That we concur with his majesty, in feeling the most sincere concern for the continuance of the calamities of war in the remote parts of Europe; but that it does not appear to this House, that either his majesty, or any of his allies, are threatened with any hostile attacks by any power whatever, or that any event has taken place, which ought to make any change in the pacific system which his majesty has been graciously pleased to assure us from the throne has been the object of all his measures; most humbly to submit to his majesty, that we should feel ourselves wanting in duty, both to his majesty and our constituents, if we were to load them with additional burthens, for the purpose of supporting interests so little explained to this House, and so little understood by us, as those supposed to be affected by the war now subsisting between Russia and the Porte; and most humbly to implore his majesty, that in the further prosecution of his benevolent intentions for promoting reconciliation between foreign powers, he will not lose sight of the inestimable value of peace to this country,

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so far as to endanger that tranquillity, the blessings of which it is our anxious desire to improve, and the permanency of which we have been taught to rely upon, from the repeated assurances we have received from the throne, of the friendly dispositions of all the European powers."

Mr. *Lambton* seconded the amendment. He said, that when the House was called upon to vote an armament last year, they voted it unanimously, because they were told, that the honour of the nation had been insulted. The honour of a nation was the strongest possible ground for demanding satisfaction by force of arms. It was that, without which no nation could exist in safety, nor long in independence. It was the vital principle, on the true tone of which, like the heart, the health of all the other parts of the body politic depended, and with the suspension of which, all their functions were suspended. Whenever it received an injury, a strong and efficacious remedy must be applied; but if this strong remedy was applied on trivial occasions; if the whole frame was to be shaken on every trifling complaint, the remedy was converted into the disease. But what insult had we received from Russia? Had she attempted to fix a stain upon our honour? Had she invaded the territories of the British crown; or committed depredations upon the trade and property of its subjects? Nothing of this had she done; and yet we were going to make war upon her. Much as it was his wish to spare the pockets of the people, he would vote for hostilities against any power, that should injure us in our honour, in our commerce, or in our dominions: and therefore it was, that he had voted for the late armament against Spain, who had insulted the British flag, and consequently the national honour, and seized the property of British subjects. In what respect was the national honour insulted now? Where was our commerce attacked? Where had the protection of our flag been violated? Why, then, were we to be exposed to the hazard of a war, with all its concomitants of interrupted trade and aggravated taxes? It was impossible to deny that the armament which the House was called on to support, and the purposes for which it was undertaken, did not look like war, and might probably lead to it. He could not consent to a declaration of war against Russia, for such a measure would be as contrary to justice and policy as it was unnecessary. He supposed that ministers might have pledged themselves to the king of Prussia to engage in a war with Russia; and they would probably say, that the character of the country, was at stake, and we could not now recede without disgrace. But he would not allow that it would sully the national character, if the nation was to refuse to ratify those engagements. Europe would easily distinguish between the wisdom of the country and the errors of its ministers. The character of Great Britain, as well for its spirit as for its fidelity to engagements, did not rest upon little ministerial declarations; it stood upon the broad basis of honour and integrity, and could not be affected by a measure which should prevent ministers from plunging the country into a war at once impolitic and unjust; on the contrary, the national character would derive additional lustre from such a measure. But after all, should the war go on in spite of the endeavours of the true lovers of Great Britain, who wished to prevent it, he would ask the minister, who were to be our friends, and who our enemies? What friendly port our ships were to find in the Baltic, where, in case of our squadrons being worsted, either by the enemy or the elements, they might find shelter? He supposed that gentlemen would answer him, that the port of Dantzic would receive them; and that, for this purpose, the king of Prussia would make it a point to seize it. But it was not clear that he would, to a certainty, be able to make himself master of it, or that, even if he did, it would be a security to our ships. A war with Russia did not hold out the usual incentives, which called forth the exertions of the British tars. There were no galleons in the Baltic, no one had ever heard of Russian dollars, or of the ingots of the Cossacs and Calmucs. We had little to expect but bear-skins, and as we had expended four millions to obtain cat-skins from the north-west of America, we might now add blood to treasure to gain bear-skins in the north-east of Europe. How would the husbandman and the manufacturer submit to the unavoidable increase of taxes for such objects? When the latter working out a hard-earned living by the light of his farthing candle, was called upon for his increase of taxes, what answer would the collector be able to give him, were he to ask for what advantage to trade he was thus additionally burthened? All of this was kept in the

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dark, when nothing but a clear statement could justify what they were called upon to do. He should hear, perhaps, the old language of confidence in the minister; but surely that could never be properly applied to in support of measures wrong on the face of them, and for which the reasons, if there were any, were studiously kept back by those whose duty it was to state them.

Mr. *Martin* said, he could not vote for the address, when the information, which alone could enable the House to judge of its propriety, was refused. He had often heard that ministers were entitled to confidence, because they were responsible for their conduct; but he had never known that responsibility produce any good. If it were proved that the supplies for which they were called on to pledge the House, were for the purpose of restoring peace to Europe, and that the end was likely to be effected, he should cheerfully vote for the address; but from all that appeared to him the evil was certain, and the good to be expected unknown.

Mr. *Vyner* said, it would be shameful indeed, if gentlemen should carry their confidence to such a length, as to vote for a measure without having before them documents to show that it was necessary. If they voted the address then before the House, without any further information, they would show but little regard to the poor people of England, sinking under a load of burthens which almost weighed them to the ground. Before he could consent to go to war with Russia, he would desire to be informed of the disposition of the powers in the neighbourhood of the Baltic, he would call upon the minister to say whether any, or which of them were well disposed towards us; whether we should have any of them as enemies; and he particularly would ask which we might expect, the friendship or enmity of Sweden.

Mr. *Steele* said, he should lament the necessity of laying fresh taxes on the people as much as any man; and were the finances of the country twice as great as they really were, or as low as some persons endeavoured to represent them, he should think it equally incumbent on the House to avoid unnecessary expense. They were now to consider whether the expense proposed was a useless expense, and whether it was necessary for Great Britain so to interfere in the present war on the continent, as to prevent the empress of Russia from obtaining any considerable augmentation of power at the expense of the Turkish empire. This he conceived to be a question that admitted of no doubt, from the situation in which we stood, with respect to our allies, and our experience of the disposition of the empress towards us. We could not forget that when we were engaged in an unequal contest, she had projected and put herself at the head of an armed neutrality peculiarly hostile to our interests. This he did not state vindictively, but as a circumstance to show what we might expect from her were her power to be increased in proportion to her inclination to act against us. Gentlemen had no right to insinuate, that the motives assigned for the additional armament, were not the real motives, till they had the means, as they had the power, of coming to proof. With regard to the message being an application by his majesty for the advice of the House, in distrust of the wisdom of his ministers, it was rather extraordinary, that when the king's speech was always considered and always debated as the speech of the minister, the king's message should not be so too. That message had not been sent, nor the measure to which it related brought forward, till every other means of accomplishing the object, which he contended it was as much for the interest as for the honour of the nation to accomplish, had been tried; but there were gentlemen whose constant practice it was to oppose all the measures of government; and it was naturally to be expected that they would oppose this. However gentlemen might talk of confidence, there was a certain degree of confidence which all ministers must receive while they were thought worthy of their situations; and that confidence he trusted there would be no reluctance to give now.

The Hon. *J. Somers Cocks** said, he meant not to oppose a rational confidence in ministers, but that blindfold and ignorant confidence which the House was now called upon to give. He wished to judge favourably of ministers, and he thought they had acted well till the present occasion: but he could not think they had any claim to the extent of confidence which they now demanded. After the cheerful support they had received in their armament against Spain, to call so suddenly for

* He succeeded his father as lord Somers, January 30, 1806.

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the support of the House to another armament, without assigning any intelligible reason for it, or giving the House any information respecting the necessity of it, was neither more nor less than to say that they would call for the last farthing of the public money, and for no other reason but because they chose it. This was not to merit confidence, but to invite indignation. They demanded money to support Turkey. They might as well make the government the government of Turkey. Their conduct was not merely unjustifiable, but insulting.

Mr. *Fox* said, he wished to speak, while what the hon. gentleman who spoke last but one had said, was fresh in the recollection of the House. No man had perhaps ever shown a more complete forgetfulness or disregard of facts, than the hon. gentleman, in his illiberal charge against him, and the friends with whom he had the honour to act. Had he said, merely in general terms, that they opposed all the measures of government, it would have been a gross aspersion; for the House would recollect, and the hon. gentleman could not well have forgotten, that this was the third armament within a few years, and he could appeal to every gentleman who heard him, whether he had opposed either of the former two, nay whether he had not given them his cordial support. We had armed in 1787 to prevent Holland from falling, by means of a party, into the hands of France. The event had been decided before parliament met; but when parliament did meet, had he censured the measure or the object of it? Had he not frequently gone rather out of his way, to express his approbation of both? We had armed again last year to obtain satisfaction for an injury done to British subjects, and an insult offered to the British flag. Would the hon. gentleman say, that he, or his friends, had not cordially concurred in the principle on which that armament was undertaken, although they had desired to know whether proper steps had been taken to prevent the necessity of it, and expressed their dissatisfaction with the convention to which it led? This was not all: there were other objects connected with the armament, on account of Holland; an alliance with Prussia, and a subsidiary treaty with Hesse-Cassel. Had they disapproved of either of these? The hon. gentleman had said that they would oppose the present measure, because they knew that, after the House had been prevented from inquiring into the grounds of last year's armament, on the plea of confidence in ministers pending a negociation, and afterwards into the merits of the convention, on the plea of confidence after the negociation was concluded, it could only be approved by those who thought proper to repose a blind confidence in ministers, or were led to approve by the partiality of official connexion. His surprise at the present measure, if possible, exceeded his disapprobation. When he heard that things were proceeding to the extremity at which they had arrived, he had lent an unbelieving ear, and contended that such folly, such madness, was impossible. With such measures confidence could have nothing to do. Confidence in ministers, was indeed necessary on many occasions; and for that sort of confidence, whether in office or out, he had always been an advocate; but even that necessary confidence was only a necessary evil, and ought, therefore, to be always the least that the nature of things would admit. No such confidence as was now solicited had been asked for in the case of Spain. The injury to be redressed and the insult to be vindicated, were fairly stated on that occasion; but on the present, they had not come at all to the point. To say simply, that the king, by the advice of his ministers, had ordered an armament, and that the House must pay the expense, did not fall within any of the gradations of rational confidence; and the House of Commons that entertained the proposition betrayed its duty, and insulted its constituents. The right hon. gentleman who moved the address, had enveloped himself in mystery and importance, but had explained nothing. His speech resembled the specimen of the paragraph writer in the play, about Russia, Prussia, Turkey, and what not, of which the person to whom it was shown pronounced that it was well done, for it was "finely confused, and very alarming." The right hon. gentleman's speech was, indeed, finely confused; and it certainly held out the alarm of taxes and additional burthens upon the public. When gentlemen talked of the balance of power as a reason for arming, they ought to show how it was endangered. When they called for supplies to prevent the aggrandisement of Russia, new as it was to a British House of Commons to hear the greatness of Russia represented as an

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object of dread, they ought to state whom she meant to attack. Was it Prussia against whom her arms were to be directed? She had made no attempt as yet; and if it was known that an attack was meditated, it ought to be fairly laid before the House. The king of Prussia had not been attacked by Russia; for if he had, there would have been an end of the question, or rather there would have been no question at all: for we must, in compliance with our engagements, have immediately resolved to support our ally: neither were we attacked ourselves; for in that case, too, there would not have been any room for deliberation. What then was the precise state of the case? It was simply this: that if the empress of Russia was suffered to make conquests upon the Turks, the balance of power would be destroyed, and Russia would become so powerful, as to endanger either our greatness or our existence. Upon this subject he must beg leave to trouble the House with a few observations to show how little this country had been in the habit of entertaining any apprehension from the aggrandizement of Russia. About twenty years ago, Great Britain, so far from wishing to protect the Turks, or fearing the aggrandizement of the empress of Russia, actually carried the fleets of the latter into the Mediterranean, and thereby contributed to the surprising success of her arms in that war. After the independence of the Crimea had been established by the peace of Kainargi, the empress informed the Porte and other powers, that she found it impossible to secure her old dominions, if she was not complete mistress of Cuban Tartary and the Crimea; and by a kind of a royal syllogism, she said "and therefore I must have them." This syllogism, which was made soon after the peace of 1783, greatly alarmed the court of Versailles, and count de Vergennes immediately applied to the king of Great Britain, proposing that he should join France in remonstrances against the acquisition of these provinces by Russia. "I" (said Mr. Fox) "was one of his majesty's ministers at that time, and the answer which I advised was, that his majesty would not make any remonstrances on the subject, or throw any difficulty in the way of the empress. Upon this the court of Versailles desisted, not thinking it prudent to attack Russia single handed; the consequence was, that the Porte ceded by a solemn treaty the sovereignty of the Crimea to Russia, who for some time was suffered to enjoy it undisturbed." — It might be said, that the former conduct of ministers towards Russia was wrong; and that the present ministers acted on another system. But was Russia obliged to know this? Was it her business to inquire what were the opinions of this lord of the treasury and that secretary of state, or to look to the general policy and conduct of the country? In all these transactions, it did not appear that England apprehended any thing from Russia; on the contrary, she countenanced her in her plans for raising her aggrandizement upon the ruin of the Turkish empire. Was it not singular, then, that all at once the British cabinet should be filled with alarms on this head? It might be said, perhaps, that the rapid progress which the Russian arms had made in the present war was what had alarmed our ministers. But if report told truth, and might be depended upon, this was not the case. He could not prove the report which he was going to state to have its foundation in truth, but he knew it was generally believed by all Europe, that the present war was kindled by the intrigues of the courts of London and Berlin, who had stirred up the Turks to commence hostilities against the empress. If this was the case, and he, for one, very little doubted it, it would appear that it was not the progress of the Russian arms which alarmed these courts and made them espouse the interests of the Turks; and consequently, there could be no consistency in the ministers taking arms to put an end to a war which they themselves had kindled. If they should say that they had not kindled it, then he would ask, what could be their reason for not having prevented it; as, no doubt it would have been an easier task to prevent the loss of the Turkish frontier, than to recover it by force of arms? If they were not the instigators, why did they not prevent it if they thought we had any concern in its issue? Would sir Robert Ainslie, then our ambassador at Constantinople, say that he had been instructed, either with or without the co-operation of the Prussian minister, to divert the Porte from attacking Russia?—But supposing that they had not kindled this war, and that they really wished to bring it to a speedy conclusion, what was their reason for abandoning the king of Sweden, after

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they had avowedly urged him on to a war with Russia? Surely if they had supported that monarch in his active, if not brilliant career, they might have expected a speedier determination of hostilities between Russia and the Porte, than by waiting until that spirited monarch was reduced to the necessity of making peace, without the interference or knowledge of England and her allies. The progress of the Russian arms was but an empty and a false pretence for a war with Russia; for though the empress had in 1788, 1789, and 1790, been crowned with success, it appeared from the king's speeches from the throne in these several years, that though he lamented the continuance of the war in the north of Europe, "he rejoiced that it did not endanger the peace and interests of his kingdoms." After such declarations from the throne, with what face could ministers say that the conquests of the Russians were alarming to this country? Were he therefore to form his opinion, that we had nothing to apprehend from the war on the annual communications of his majesty to parliament, he should not be accused of laying a "flattering unction to his soul."—But they had another plea; they might say that these conquests did not begin to be alarming till the fall of Ockzakow. This was another false pretence; for it was remarkable, that though this town fell into the hands of the Russians in 1788, the speeches from the throne in 1789, and 1790, took not the least notice of this new alarming event; but, as he had already said, they expressed the joy which his majesty felt in the reflection, that the war in the north of Europe did not endanger the peace and interests of his kingdoms. — There was only one more pretence which ministers could urge for proving that the progress of the Russian arms endangered the interests of Great Britain; and that was, that the empress wanted to drive the Turks out of Europe. But this pretence was as false as the rest; for that princess, though she had conquered all the country which lies between her frontier and the Danube, had proposed of her own accord to give back all her conquests between that river and the Niester, reserving to herself only the town of Ockzakow, on the latter, which was necessary to cover her other conquests between that and the Bog. She did not want Ockzakow as a port or dock, for she had both already at Cherson; but the latter could be of no use to her, as long as Ockzakow remained in the hands of the Turks; for vessels sailing from Cherson to the Black Sea, must necessarily pass under the very walls and guns of Ockzakow. The country between that town and Cherson was really of no value, and consequently in going to war with Russia, we could have nothing more in view than to recover Ockzakow for the Turks; now the empress might, by blowing up the works, or otherwise demolishing them, if she found she could not keep them, put it out of the power of the Turks to make any use of Ockzakow as a fortress, for at least ten years to come. He asked, then, whether it was politic in this country to go to war with Russia for the recovery of a single town, which in a few days might be totally demolished, and could not impede for years to come, the navigation of vessels from Cherson to the Black Sea? Thus for the attainment of an end, which it was at any time in the power of the empress to defeat, we were to make that princess an enemy, and perhaps for ever alienate her regard from Great Britain.—The manner in which our ministers proceeded, was marked with insolence beyond all bearing. They told this princess, in her career of victory, in the midst of a glorious and successful war, which, by-the-by, had been forced upon her, the Turks having been unquestionably the aggressors, that she must not only lay down her arms, but must also give back all her conquests, and sit down without the least compensation for the expense of blood and treasure, to which she had been put by the aggressors. It was not in human nature to endure this insolence; and sooner or later retaliation would be adopted. Let not the House attempt to dissociate effects from causes, or suppose that a power attacked was not to repel an attack by conquest, if the fortune of war turned in its favour. In all interferences with foreign nations, justice was the best foundation of policy, and moderation the surest pledge of peace. Louis 14th, at one period thought he could do every thing; that he could humble England, destroy Holland, and do with all his neighbours what he pleased; for to them he held the language rather of a master, than that of one sovereign to another. But after all this, he was reduced to the necessity of suing to England for peace, of making great concessions to Holland, and offering to the allies a passage through his do-

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minions for the troops which they should send into Spain, for the purpose of dethroning his grandson.—The insolence of our ministers was the more cutting, as they had one rule for themselves, and another for their neighbours. Thus, when Tippoo Sultan was said to have provoked us to war, by attacking our ally the rajah of Travancore, it was said by the right hon. gentleman, that we should have a good right to retain, for the purpose of reimbursing the expenses attending an unprovoked war, the conquests which we should make in the kingdom of Mysore. Was it to be conceived that any sovereign who had spirit to feel and power to resist, would not spurn with indignation at the insulting insolence of a proposition so diametrically opposite to what we claimed for ourselves? But the minister would not allow the same rule to the empress of Russia: for though the war in which she is engaged was begun not by her, but by the Turks, yet our ministers would not let her keep her conquests for the purpose of reimbursing her expenses, but would insist on her giving them all up. A conduct so unreasonable, so unjust, so insolent, he had never before witnessed. — He would go so far, he said, as to suppose that Russia ought not to be suffered to carry on the war any longer against the Porte. He would then ask whose interest it was to stop her? Certainly it might be that of France and Spain, but it could not be ours; and as the advantage of the measure would be theirs, so ought the risk and the expense. But it would be madness in us to show the most lively jealousy of the growing power of Russia in the Black Sea, a sea in which, of all the seas in the globe, not a single British ship ever appears. But it might be said, that if the Russians became masters of the Black Sea, they would soon appear in the Mediterranean. It was indifferent to him if they did, for then there would be three powers in that sea, France, Spain and Russia; and as the two former were allies, and generally our enemies, it was probable we might be assisted by the third; and even if she joined the other two, we should then only be shut out of the Mediterranean, a misfortune which had befallen us in the last war, when we had only France and Spain to contend with. Why we should assist the Turks in preserving to them the dominion of the Black Sea, he could not tell, unless it was that we should leave it in their power to give to France, our rival, the monopoly of the levant trade, a monopoly not derived from the cheapness of her merchandise or its superiority over ours, but from the open and avowed partiality and kindness of the Turkish government to the French. —Having considered the question in a political, he next placed it in a commercial point of view. Our exports to Russia, he said, amounted annually to about 400,000*l*. Our imports from Russia to about 2,500,000*l*. Thus it appeared, that there was a balance of more than 2,000,000*l*. against us. But those who knew what trade was, would say, that was not always a bad trade in which the balance was against us; for a great part of our imports from Russia consisted in implements for war, naval stores, and raw materials of manufactures. Of this trade, not more than one-twentieth was carried in Russian bottoms; about one-fifth of the remainder was carried by the Dutch; and the remainder by the English. From this statement it appeared, that we could not distress the trade of Russia in war, without distressing ourselves in a much higher degree. And therefore, so far from wishing to go to war with her, we ought rather to wish her success in those quarters from which the Turks have always excluded us, at least for the last fifty years, and where the French enjoyed an almost complete monopoly. If we were on good terms with Russia, we might then perhaps derive a chance of trading to her conquests, from which we were shut out while they belonged to the Porte.—An hon. gentleman had expressed his resentment against the empress of Russia, on account of the armed neutrality, but he could not tell why we should blame her more than Sweden, Denmark, and other powers, who acceded to it. It was very well known that the idea of it did not originate with her, but with the late king of Prussia; he was the real author of it; and it was by the intrigues of the court of Berlin that the empress was stirred up to take the part she did in it. But were the late king of Prussia now alive, would he on that account introduce a spirit of revenge in his policy towards her? Undoubtedly not. It was a principle on which he would never act, and which he as much despised in public as in private life. Whatever confidence might be claimed by ministers, none could be due where they had betrayed incapacity; and this the present ministers had done in their

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continental connexions; for they had not followed up their defensive system with consistency. In the negociations at Reichenbach, when they found the emperor disposed to peace, they had neglected the opportunity of engaging the empress by the same arguments that induced him to consent.—Upon the whole, he observed, that ministers had erred in almost every plan they had adopted. They first stirred up the Turks to their own destruction to war upon Russia; they next raised the king of Sweden against the same power, and afterwards they lost the benefit of his arms by shamefully abandoning him. They meddled with the affairs of the Netherlands; and, when general Bender was marching into those provinces, they, by the mouth of lord Auckland, his majesty's minister at the Hague, desired that he would defer his march two or three days. The general declared he would not; upon which lord Auckland said he washed his hands of the whole business, renouncing thereby the merit of the stipulations in favour of the Flemings, as well as protesting against the bad consequences that might be produced by the march: but when the general had marched into the Netherlands, and actually restored the Austrian government, then lord Auckland and the ministers of the other allied powers desired that they might sign the convention, the news was thought of sufficient importance to be dispatched by lord Henry Fitzgerald, and we plumed ourselves on our success in that which had been done in fact without our concurrence.—Another blunder of the minister was, his disarming after the convention with Spain, before he had demanded and obtained a categorical answer from the empress. For now we were to have a new armament at a new expense, for a purpose which might have been so much more easily accomplished, when we had so great a naval force afloat. One great benefit which the minister's friends said we should derive from the former armament was, that the celerity with which it had been completed would make so deep an impression upon the minds of all the powers of Europe, that we probably should not be called upon soon to fit out another. But he found, unfortunately, that this impression was worn out in less than three months; and now we were arming again. He feared, that at this rate, a separate armament would be necessary to make an impression on every separate state; and thus we would ruin ourselves, just to show what we could do.—Mr. Fox said, that in the system of alliance which he had devised, he had always reckoned upon Russia; and he would have left an opening for either Austria or Prussia, just as the case might happen. If such an alliance was practicable, it would indeed secure the peace of this country, without making that power our enemy whose friendship it is our interest in the most particular manner to cultivate; but ministers had taken a different course and were on the eve of hostility with that very power. In the course of his speech, Mr. Fox took particular notice of Mr. Cocks's declaration, that he had confided in ministers till he was tired out; and paid a compliment to lord Wycombe, who, from the promise in his speech of that night, he hoped often to hear with equal pleasure, as from the advantage of the noble lord's situation, he had opportunities of making himself acquainted with the commerce and politics of other nations, and was of course qualified to judge of such points. Mr. Fox then made a short recapitulation of the different heads of his speech, and declared that he felt himself bound in conscience, and in duty to his country and himself to vote for the amendment moved by his hon. friend.

Mr. *Pitt* said, he never meant to disguise, that if our representations to restore peace, and prevent such a change in the circumstances of Europe, as must defeat the purposes of our defensive system, should fail of effect, war must be the consequence; and he desired now to be clearly understood. Our attention to the affairs of Europe was a necessary consequence of our defensive system. That attention we could not give up, nor avoid interfering, where interference was necessary, without relinquishing that system entirely. This the right hon. gentleman was obliged to admit, because he had always admitted it. It was true that we were not called upon to interfere on every occasion; but much of the right hon. gentleman's doctrine would go to say, that we were not to interfere on any. The whole question then was, whether the present was an occasion on which we ought to interfere; and that it was, he hoped he should prove on the grounds stated in moving the address, without taking up much time. The right hon. gentleman tried to alarm the House, by arguing that the present interference

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would lead to a perpetual interference; and for this purpose he connected the present armament with that of last year, although they were totally unconnected, both as to cause and object. Without dwelling on the extravagance of the supposition, he would only observe, that when it was considered that the two former armaments were allowed to have met with the most general approbation, and that their objects were accomplished, it would be needless to argue any farther on the propriety of having recourse to them. In the first instance, the intrigues of a great power had so far prevailed, as to make it probable that Holland would be led into connexions highly prejudicial to our interests, and by uniting our exertions to those of the king of Prussia, we were fortunate enough to succeed. At that time we had no alliance on the continent, and it was deemed necessary for the security of our interests, that we should be connected with some great land power, who should at any time be able to check the attempts which others might make at a dangerous aggrandisement. It so happened that the king of Prussia was the only prince of that description with whom it was practicable to conclude an offensive alliance. But were it otherwise, and had we the power of choosing those allies whom it would be most our interest to be connected with, he should have no difficulty in proving, that an alliance with Prussia would be the most judicious choice. It was admitted by the right hon. gentleman, that our interference was proper in the case of Holland, and the same principle that justified that interference, would apply equally to this. It could not be asserted that it was either unjust or impolitic to prevent the situation of neighbouring powers from being so altered, as to endanger our own security. This right was admitted by the right hon. gentleman, if it arose out of a defensive alliance; but the same principle on which that right arose, namely, self-preservation, must apply to cases in which there was no defensive alliance. We were bound by no treaty to interpose in the disputes of Holland; but from the circumstances of the case, from the probability of securing a valuable ally to ourselves, instead of seeing the same power irrevocably attached to our rival, we were justified in interfering to restore the government, and re-establish the authority of the prince of Orange. Of the right, then, there could be no question, and the circumstances remained only to be considered. If it were true, that Prussia, by the aggrandisement of Russia, must be endangered, and consequently our defensive system impaired, the circumstances were such as to demand our interference. It was here wise to anticipate the danger, and to endeavour to prevent that from being done, which when once effected, could not easily be undone, so as to bring matters back to their former situation. The right hon. gentleman had insinuated, that ministers were bound by engagements to Prussia, with which the country had nothing to do, and which parliament ought not to support. He begged leave to assure the House, that the insinuation was unfounded, and that ministers were bound by no engagements to Prussia, but such as had received the sanction of parliament, and by their unbiassed sense of the British interests. The late armament against Spain being in consequence of a direct insult, and in defence of our honour, he did not see how it could have been promoted by the inactivity of France; for were France ever so powerful and vigorous, he trusted the spirit and resources of this country were not so low, as at any time to submit to any treatment of that kind.—The right hon. gentleman had given an able detail of the former conduct of Great Britain towards Russia, to prove that the present conduct was unjust; but this was rather a topic than an argument, for if it proved any thing, it proved that when former ministers had been wrong, future ministers were not at liberty to pursue a different line of conduct, so that error once adopted, must be perpetual. The state of affairs was not the same now, as at the periods to which he had alluded. Turkey was then close linked with France, and we had no reason to interfere in behalf of the ally of our rival, nor cause to dread the aggrandisement of Russia. Admitting, for the sake of argument, what he would not admit in fact, that we ought to have interposed sooner on the present occasion, that was no reason against our interposing now, but rather an additional reason for doing so. But was the necessity so pressing at any former period as it was now become, or such consequences to be apprehended without a speedy interference?—These circumstances induced him to think differently from what he formerly did on the subject. Indeed the as-

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pect of affairs was so extremely varied, that the same views could not possibly present themselves. It was next said, that we had lost the opportunity of bringing Russia to terms of peace, when the emperor was prevailed upon to treat. When the emperor manifested a favourable disposition, would it have been wise to suspend the negociation with him, at the risk of their being entirely broken off, in order to wait for the concurrence of Russia? To make this good, it would be necessary to prove, that better terms were likely to be obtained when dealing with two enemies than when dealing only with one. Pending our dispute with Spain, we were neither so free to act as now, nor was the necessity then so urgent; and by endeavouring to combine two objects that had no natural connexion, there was some hazard at least, that one of them might miscarry. But why, it was asked, did we dismiss our armament after that dispute was concluded? We had not dismissed our armament; for we had kept up a considerable addition of force; but as the season of the year made it impossible to act for several months, we had not kept up a force of fifty ships of the line, the number then in commission, because it would have been done to no purpose, and the expense would have exceeded that of the present armament. In the aggrandisement of Russia, and the depression of Turkey, our commercial and our political interests were both concerned. Whatever might have been the state of the question when we thought that we were able to stand independent of alliances, when we connected ourselves with Holland, as a powerful naval ally, it was evident that we could not retain that connexion, nor derive much benefit from it, without the accession of a power possessing a great land force. Russia, however favourable she might have been disposed when the right hon. gentleman was in office, although no proofs of such a disposition had appeared since, was not inclined to accede to our alliance with Holland; and if inclined, could not have afforded the necessary protection. We then contracted engagements with Prussia, by virtue of which it was our interest to take care that no change of circumstances, to the detriment of Prussia, should take place, and were it in our power to restrain the steps by which we had contracted those engagements, whatever errors might be discovered in the detail, we could find no alliance more advantageous than that of Prussia. Was it, then, a matter of no political importance, that a change should be suffered to take place in the state of Europe, which would eventually prevent Prussia from rendering us those services which we had hitherto derived from the connexion? If Russia should triumph over the Porte, then the situation of Prussia would be totally inverted, and instead of protecting the Dutch frontier, his utmost exertions would be requisite to cover his own. Would any man imagine, that the aggrandisement of Russia would not materially affect the disposition of other powers? that it might not produce an alteration in Poland, highly dangerous to Prussia? The interest which this country had in not suffering the Russians to make conquests on the coasts of the Black Sea, were of the utmost importance, and still more concerned were the interests of our allies. The end of this alliance was, to give by their union such strength and authority, as to be able at all times to compel other powers to abandon schemes of ambition and conquest which might endanger the general tranquillity. To succeed in this, it was indispensably necessary that the alliance should be kept sufficient to its object, and each party be in a condition to fulfil its part to the stipulations. What security then, was there that Prussia could be so circumstanced, if a powerful and ambitious neighbour were suffered to establish herself upon her very frontiers? What safety was there for Poland? What safety for Denmark, or what for Sweden, when Prussia shall be no longer in a condition to assist them? The safety of all Europe might afterwards be endangered, should the same aspiring views continue to be entertained. Was it, then, to be said, that we had no concern in the terms of pacification between Russia and the Porte? Many articles, the materials of manufacture, we received from Russia; but of these articles many could be obtained from other countries; from Poland, for instance: and therefore we had a commercial interest in cultivating a trade with Poland, and preventing Russia from obtaining such a decided command of the articles we wanted, as to give or withhold them at her pleasure. On these grounds, he trusted the House would see, that the policy of interposing was as clear as the justice undoubted. But he was told that the House was called upon to sanction

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the measure on that sort of blind confidence of which the country already had cause to repent. Confidence, in order to give vigour and efficiency to government, must be given to those in whose hands the administration was entrusted; like every other exercise of discretion, it had its bounds, and was neither unconstitutional nor degrading to those who gave it. If, as an hon. gentleman had said, he had seen no application to the responsibility of ministers in fourteen years, it was either a proof that ministers had not been guilty of any material faults in that period, or that parliament had not been very diligent to mark them. He claimed only the same degree of confidence which had been granted to all his predecessors in office; and, whenever the conduct of a minister was disapproved of, he trusted the displeasure of parliament would operate to effect his dismission, or bring him to punishment, but never to withdraw that necessary confidence which the purposes of executive government required, and which, whether in or out of power, he should always contend for.

Mr. *Burke* rose, to make a few observations upon what he considered the most extraordinary event that had passed in that House since he had had the honour to sit in it. He observed, that he could not account for the measure when he considered the talents of the right hon. gentlemen, which, for one, he had been ready often to acknowledge. In the part he should take, or in the opposition he should give to this uncommon step of ministers, he disclaimed all party considerations whatever. He said, that as in all probability this would be the last time he should ever speak upon a political question in that House, he begged leave to intrude upon their patience a few minutes. It might arise from the prejudices of an old man, that he could not help feeling an alarm at any new principles of policy; but since he had sat in that House, he solemnly declared, he had never heard any thing so new as what he had heard advanced that evening. The confidence claimed by his majesty's ministers was new. The considering the Turkish empire as any part of the balance of power in Europe, was new. The principle of alliance, and the doctrines drawn from thence, were entirely new. He hoped, that whatever he said in condemning the whole of the present measures, would not be considered in any respect, as containing any personal recrimination on the right hon. the chancellor of the exchequer. That right hon. gentleman had acted so honourably upon a great constitutional question,* in which he himself and his reputation, and in which responsibility was immediately concerned, that it had done away all acrimony from his mind, and he should never, while he remained in that House, make use of any personal asperity upon any occasion, to that right hon. gentleman; and it was his desire to discuss this important subject with all the candour and coolness that was possible. Confidence, he allowed, was necessary to ministers in a certain degree: without confidence, ministers were slaves. But without exercising judgment and discretion, that House was nothing but an assemblage of slaves. They were called upon, in this instance, for a limited confidence; nor had they any facts or reasons given them, upon which they could exercise their powers of judgment and discretion. They were desired to give an indefinite vote for an indefinite expense, and that without any reason, upon which they could judge that the interest of the nation required such confidence, or such expense. We were to begin to arm, without any view or prospect of where such armament would end. It might lead this country, for any thing he knew, into as great an expense as the American war. The right hon. gentleman had talked much of preserving the independence of Turkey; but was not this a direct attack upon the independence of Russia? Subjection and dependence were synonymous; the object of this was, to place Russia in a state of subjection; to force her to give up what she possessed. Why did we not at once say she should not go to war at all; that in any future circumstances she should not possess herself of any power or territory, however small or insignificant; and that on any such occasion, this House was to give a vote of confidence for an indefinite expense to subdue and humiliate Russia?—He had never before heard it held forth, that the Turkish empire was ever considered as any part of the balance of power in Europe. They had nothing to do with European power;

* Mr. Burke here alludes to Mr. Pitt's conduct during the discussions in December 1790, on the great question of the abatement of an impeachment by a dissolution of parliament. See Vol. XXVIII. p. 1088.

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they considered themselves as wholly Asiatic. Where was the Turkish resident at our court, the court of Prussia, or of Holland? They despised and contemned all christian princes, as infidels, and only wished to subdue and exterminate them and their people. What had these worse than savages to do with the powers of Europe, but to spread war, destruction, and pestilence amongst them? The ministers and the policy which should give these people any weight in Europe, would deserve all the bans and curses of posterity. All that was holy in religion, all that was moral and humane, demanded an abhorrence of every thing which tended to extend the power of that cruel and wasteful empire. Any christian power was to be preferred to these destructive savages. The right hon. gentleman might call this by the name of moderation; but would it be deemed so by the world? Was it not an insult to every other power? Was it necessary, in order to preserve the balance, that every state or power should continue exactly in the same state? or could that balance be affected by the loss of Ockzakow to the Turks? He said, that he had never heard of such moderation as the right hon. gentleman had set up: it was in his opinion a cruelty; it was telling the Russians that they might have continued the war, and though aggressed, and of course entitled to revenge themselves on the aggressors, yet that they must relinquish the conquests they should make, and be content to be put on their former footing. This might be considered as an inversion of the construction of the old diplomatic maxim, an *uti possidetis*. —He had heard, with horror, that the emperor had been obliged to give up to this abominable power, those charming countries which border upon the Danube, to devastation and pestilence. And were we going now to vote the blood and treasure of our countrymen to enforce a similar cruel and inhuman policy? To compare, as the right hon. gentleman had attemped to do, our proceedings to rescue Holland from the power of France, with the present measures of rescuing Turkey from the power of Russia, was futile and absurd. Holland might justly be considered as necessary a part of this country as Kent. Had the French got possession of Holland, we should have had a friendly naval power upon the whole of that side of Europe, from the Nase of Norway to the Streights, to whom we could entrust ourselves with safety in time of danger. The whole of this centered in one little fortress, Ockzakow. Can it be said, that the balance of Europe could be destroyed by the Russians having possession of one little town, or of a whole territory? Was the balance of power destroyed by the late king of Prussia's taking possession of all Silesia, and by his encroachments upon Poland?—He said, he was old enough to remember the time, when the ambition of the king of Prussia was talked of in this country, with the same abhorrence and the same language, as the ambition of the empress was now talked of; yet it did not appear that any evil consequences had thence arisen to the balance of power. Nay, he would contend, that if there was any danger to the balance of power, or to the king of Prussia, from the aggrandisement of Russia, that it would be the best thing that could happen to the general tranquillity, and to that power, that she should extend her power and territory towards the South; and if she ever conquered the Chersonese, it would take ten or fifteen years to settle that power, and arrange that new dominion. And after all, how was it possible that it would affect the balance of power in Europe? "For my part," said Mr. Burke, "my way of reasoning may be considered as upon the old principle; but I very much dislike this anti-crusade. I am not for favouring such barbarians and oppressing christians, to the detriment of civilization and hindrance of human refinement. Why, are we to be alarmed at the Russians capture of a town? The empire of Turkey is not dismembered by that. We are in possession of Gibraltar, and yet Spain is not dismembered."—The right hon. gentleman had said, that having entered into an alliance with Holland and Prussia, it was necessary to render that alliance sufficient to adopt the measures proposed to the House. The words "enough" and "sufficient" were perhaps more difficult to define, than any in the English language. In this case there seemed to be insuperable difficulties in defining them. It was considered necessary at present to render the alliance sufficient, that Ockzakow should be given up. At another period it might be considered necessary to render it sufficient, that Orsova, the key to the delightful province of Hungary, should be given up. And there was no knowing where this gradation might end. The king of Prussia having thought proper

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to consider the Turks as useful to maintain his power, we may unite with him in spending our blood and treasure to introduce them into Poland, and into the heart of Europe, with all the devastation and pestilence they might bring along with them. Russia was our natural ally, and the most useful ally we had, in a commercial sense. And we were to indulge the pride of the king of Prussia, to withdraw this ally from us, and hurt her feelings, and give her just resentment at our conduct, without the prospect of any advantage from such conduct.—He adverted to the alliance being a defensive alliance, including in it an offensive system. He said, that such an alliance was treachery to the nation. In its present application he contended that it was unjust, unwise, and inhuman; and he hoped that every gentleman would consider what he would have to account for, by giving a vote for a war under the present circumstances. —Mr. Burke concluded a very energetic and eloquent speech, by observing, that if these interferences were to take place at any time by the haughty and assuming ministers of any state, they ought to be in favour of freedom, and the cultivation of Christian fellowship, and not in espousing the cause of barbarians who had not the smallest regard for us in return.

The question being put, that the words proposed to be left out stand part of the question,

The House divided:

Tellers.

Yeas	Mr. Steele - - - - -	}	228
	Mr. Neville - - - - -		
Noes	Lord North - - - - -	}	135
	Mr. Grey - - - - -		

So it was resolved in the affirmative. After which the main question being put, the address was agreed to.

Debate in the Lords on the Treaty of Defensive Alliance with Prussia.] April 1. The order of the day being read, for the House to take into consideration the Prussian Treaty,

Earl *Fitzwilliam* rose and observed, that on all former occasions, where his majesty had sent a message to either House of paliament, relating to war, it had been usual to give a full, clear, and explicit statement of the causes that had induced his majesty to send such a message; but in the message that had been discussed by their lordships on Tuesday last, there was no one ground stated why this country should go to war. They had been left perfectly in the dark; they had been obliged to guess the reasons. He wished to know what alteration had taken place in our affairs, which made war necessary at the present moment. Not a single reason had occurred to him which made it necessary for Great Britain to go to war with Russia now, which did not equally hold in 1787 1788, 1789, and in 1790. If there had been any thing formidable in the empress of Russia, why did government three months ago disband one of the finest fleets that ever graced Spithead, one of the finest fleets that ever was seen in this country? He had not been able to find out one change in the situation of affairs to account for their now going to war. They had been told last Tuesday by a noble secretary of state, that the war was a war of expediency; but, at the same time that they were told that it was a war of expediency, they had also been told by the learned lord on the woolsack, that they were bound by the faith of treaties to assist their ally in a matter in which he might be concerned. They had been told it was not by the spirit of the treaty alone they were to be guided. Whenever their ally was conceived to be in the smallest danger of being attacked, they were bound to assist him. This construction of a defensive alliance was a novel one. But at the time that it had been held by the learned lord, that they were bound by the faith of treaties to engage in this war, the same opinion had been held by a great authority in another place; so that it must be evident to all Europe that a novel system had been adopted. If this was the true construction of a defensive alliance, he should be glad to know what was an offensive alliance [His lordship moved, that the treaty with Prussia should be read.*] After the treaty was read, his lordship observed, that as the interest of Prussia was but very remotely connected with the objects now in dispute between Russia and the Porte, it was difficult to conceive what ground they could have of alarm. Were they afraid that the empress should establish too extensive a footing in Poland? But, with what propriety could they talk of such apprehensions when they had formerly been concerned in the

* See Vol. XXVII, p. 1329.

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partition of Poland, in which the empress came in for a share? The war, if it might be judged from the circumstances of its commencement, had originated from Turkey. The proof that that people were the aggressors, was, that they had been successful in almost every action, whilst the Russians seemed totally unprepared for any measure of hostility. The Prussians were desirous to obtain possession of Moldavia, merely in order to give it up to the Turks. But was it not better that it should remain in the hands of a christian sovereign, than be subjected to the dominion of a Mahometan prince? At any rate, was it proper, that attack should be anticipated and hostilities commenced, in order to avoid the necessity of being put upon a defence? The possession which the empress had of the Black Sea, gave her advantages which enabled her not only to resist the attack of her enemies, but even defeat the effects of their success.—Recent experience had already taught us what we were to expect from measures like the present. What advantages had we derived from the boasted convention with Spain? The South Sea fisheries were abandoned by our agreement not to come except within a certain distance of the shore. The right of settlement, which belonged to all free nations upon the uninhabited coast of southern America, had been given up. A temporary increase of 900,000*l.* annually in taxes had been incurred; taxes which were raised by the oppression of the industrious poor, and had subjected the peasants in the country, not merely to the inconvenience and hardships of poverty, but to the distress and miseries of famine. In the present exhausted state of the country, would it be proper to send our armies to a distance in order to support Turkey against Russia? On former occasions, when his majesty had mentioned the war between these two powers, he had talked of it, indeed, as an event calamitous to the parties, but in which neither the safety nor dignity of his Crown was at all interested. Some contingency, then, must have surely occurred, in order, all at once, to induce this country to take so active a part. It was, perhaps, trusted, that the empress of Russia would not be able to oppose the united strength of this country. But it was not recollected that, by the doctrine which had so lately been laid down in a debate with respect to defensive treaties, that the emperor of Germany, with all his forces, might come to her assistance.—He had now shown that we were not bound by the engagements of treaty, nor could we be induced by motives of expediency, to interfere in the war between Turkey and Russia. On a former occasion, when the king of Sweden was interested, we had shown less forwardness and zeal with respect to our mediation. Never had a country, with such respectable resources, made so contemptible a figure as we did in that transaction. That prince had been extricated from his difficulties, not by any support which he derived from us, but by his own great heart. Was it now, from a sense of disappointment, that force was wished to be employed? Were those terms, which could not be effected by mediation, to be extorted by arms? And was this mode of procedure consistent with the equity of a great nation? Thus it appeared that we were neither bound by the engagements of treaty, induced by motives of expediency, or influenced by considerations of justice to interfere in the war between Turkey and Russia; he therefore meant, on each of these three heads to propose a motion, and that their lordships might clearly see his drift, he would now read them: "1. That Great Britain hath not become bound by either the express or implied engagements of the treaty of defensive alliance with his Prussian majesty, or with the united provinces, to take hostile measures, in order to compel the empress of Russia to relinquish the advantages gained by her arms at Oczakow, in Tartary, and in Bessarabia. 2. That the progress of the Russian arms at Ockzakow, in Tartary, and in Bessarabia, is not an adequate or just cause for Great Britain to make war againt the empress of Russia. 3. That the refusal of conditions of peace proposed by a power offering mediation, is no just cause for hostile measures in support of the mediation so rejected."—The first resolution being moved,

The *Lord Chancellor* said, the noble earl had represented what he had said on a former day, in a manner, which if the noble earl had been conscious of it, he was sure no personal interest in the course of the debate, nor the greatest interest, could have induced so honourable a mind to do. The fact was, that he had not at all declaimed on the equity of the treaty. To mark distinctly what he had said on that occa-

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sion, he had compared the measure to the interest, which any one nation might take in the condition of a friendly power, either in respect of a commercial or a political intercourse between them, or in the expectation of profit or emolument. He thought it was impossible to define defensive treaties in general. This was a hardship which he conceived the case by no means required. He did not mean to complain that the noble lord had brought forward the subject; but he did complain that the noble lord had so misstated what he had said on a former day.

Lord *Grenville* begged leave shortly to go into the question itself. On a former day he had the honour of moving an humble address to his majesty, thanking him for his communication, and assuring his majesty, that the House was ready to support him in bringing about the restoration of peace. He said, he knew nothing to induce him to depart from that line that had been observed on former occasions. All that he had originally proposed to their lordships was, a motion of a general nature, and no particular questions were entered into. Other noble lords had laid down their own propositions, and had drawn such conclusions from them as they thought proper. After their lordships, by the vote of thanks to his majesty, had in some degree sanctioned and approved of the measure, he begged leave to ask, in the situation in which he stood, whether it was wise or expedient to anticipate negociation on the subject? Their lordships would consider whether they meant to continue to give that confidence which had been ordinarily given to government on such matters. It had been stated that a full and explicit account had been given last year, for entering into a war with Spain. It was formerly understood that they had not come forward with the whole business. Some papers were not before the House. While negociation was pending, it was not the practice of the constitution, for parliament to enter into a discussion on that negociation. He submitted to their lordships, that either they should continue their confidence as formerly, or withhold it, and take upon themselves the conduct of the executive government. If the two Houses of parliament took that power into their own hands, they must be responsible for the exercise of it. His lordship concluded with moving the previous question.

The Earl of *Derby* said, that last year the reasons for going to war appeared to him so strong, that he did not much consider the difficulties to which it would subject the country by imposing new burthens; but he thought the eyes of ministers might have been opened a little from what then took place, and that they would have been extremely cautious of incurring any more expense by another war. If they were so totally blind, he hoped the House would be quick-sighted; the country expected it of them. The House ought to take off the veil which ministers had either ignorantly or designedly drawn over the face of affairs. It might be gratifying to the ambition of some men to fancy they were holding the balance, and standing forward as the arbiter of every contending power in Europe, to pull down one and to set up another. He trusted their lordships, in a matter of this consequence, would give a positive and dispassionate judgment before they embarked in a war that would inevitably bring along with it the most dangerous consequences. He did not mean to say that continental connexions were altogether pernicious, but he could not help thinking that they were much too dearly purchased. We ought to remember that the pride of Spain was still offended, and that she only waited an opportunity to express her sense of the indignity which we had put upon her. We ought likewise to recollect our treatment of the Brabanters, from whom we had transferred our assistance to the emperor of Germany. There were no limits set to the present business, nor could we know the lengths to which we might be carried by our approbation. It required only a beginning; we became then bound to abide by the issue. Every shilling which we should now vote, was only an earnest of future millions. The noble earl remarked the difficulty which we should have to encounter in a war with the empress of Russia. He reprobated the conduct of ministers in interfering with the politics of every country. He deemed them entirely unfit for the elevated stations which they occupied. Had they pursued pacific measures, they might have saved the country from the difficulties in which it was now likely to be involved. It was true, his lordship said, that the executive power was distinct from the legislative. But had not they in their legislative capacity, the right and power of refusing the supplies necessary for a war? There was not a man out of

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parliament who approved of a war in the present circumstances. He concluded with giving his entire approbation of the resolutions.

The Duke of *Leeds* said, that the noble lords had taken their own suppositions, and drawn conclusions from them, as if they were really facts. They had talked, and reasoned as if the nation was actually engaged in the progress of hostilities. He in his official capacity, would advise a war if it were necessary, but before such war should be determined upon, he should most certainly bring it forward as a subject of debate. At present, while the negociation was pending, it would be improper to communicate any information which might affect its progress. The executive power could not subsist without a certain degree of confidence; whilst, at the same time, he considered ministers as responsible for the exercise of that confidence. His grace spoke in very high terms of the empress of Russia, and conceived that the mind of that great princess was not actuated by motives of resentment, but was prepared for a mediation on fair and reasonable terms. He begged leave to call to their attention what he was sure they would all recollect. He wished to speak with great personal esteem and regard of the noble lord who had been at the time at the head of administration. They all recollected some years ago, during the American war how much the public mind was exasperated, and what a clamour was occasioned by his majesty's ministers blending the legislative power with the executive. When measures purely of an executive nature were doubtful in the result, ministers had come to parliament and obtained the sanction of both Houses, in order to throw the responsibility from their own shoulders upon parliament. His grace held it to be indispensably necessary that the legislative and executive powers should be kept distinct. He also held it to be indispensably necessary that the confidential servants of the crown should be responsible for the advice which they gave to his majesty. His grace concluded with asserting, that there was not the least room to say that ministers had either bullied or had stooped to low adulation, and he would defy any noble lord to allege that the present servants of the crown had betrayed the trust of the crown.

Lord *Porchester* said his majesty's ministers expected the confidence of the House, without giving any account whatever to their lordships of what they intended to do, or against what parties they were to arm, or on what occasion, or with whom they were to engage. They knew no one circumstance; and his majesty's ministers were constantly calling out for perfect confidence. He hoped he should hear some motion like that under consideration every day, and then he was sure the eyes of the public would soon be opened. They knew nothing of the probable expense of the war. He would state, in a few words, the reasons that occurred to him, why the treaty did not call for any preparation for war on this occasion. He contended, that the construction that ought to be put on defensive treaties was not so extensive as had been maintained by several noble lords. They were not bound to watch over the interest of that power with whom they were in alliance, but they were to wait for the attack. When the attack was actually made on their ally, and not a moment sooner, were they bound, in consequence of their treaty, to assist him. But at present they were about to man a great fleet on the idea of some speculative danger, and without knowing whether an attack would ever be made. He contended that, by the treaty, Great Britain was bound only to furnish the king of Prussia with 16,000 men, or with money sufficient to raise that number of troops. They were not obliged to furnish him with a single ship. According to the present measure, their ally might call for the last drop of their blood, or the last shilling in their treasury. For these reasons, he thought it unnecessary for this country to go to war at the present moment.

The Earl of *Guilford** rose for the first time in that House. He prefaced his speech with saying, that he did not intend to have taken any part in the discussion of the question before the House, had he not been called on by the particular manner in which the noble duke alluded to the conduct and measures of an administration in which he bore a considerable part, and was no doubt an unworthy member. In the allusions made by the noble duke, his grace had paid many handsome compliments to him personally, which he would be very happy that he had, though he much feared that

* Frederick, lord North. His father, the first earl, died on the 4th of August, 1790.

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he had not deserved; but certainly, as the noble duke had expressed such sentiments of regard, friendship, and attachment, as he had honoured him with that night, he trusted he never would forget his esteem, or treat it with ingratitude. When the conduct of that administration was brought forward to their lordships, he was sorry it was not done as an example worthy of imitation, but, on the contrary, as a beacon to be shunned and avoided as much as possible; and the circumspect, cautious, and guarded silence of those now entrusted with the management of the executive power, was contrasted with the fair, candid, and manly openness and readiness to communicate important information to parliament, which had distinguished that administration in which he had been placed, and for which conduct he, it seemed, with many other noble lords in that House, were now to be arraigned by the present administration. As far as his memory served him (and, if he was wrong, he trusted some noble lord would put him right), the ministers that were alluded to, thought it not only proper, but strictly their duty, upon every occasion of that important or serious nature which required the aid or advice of parliament, to come down and communicate to parliament the real situation they were in, the causes of that situation, as far as they could be known and could be disclosed with safety to the state, and then to form, by the assistance and advice of parliament, such a plan, for future management, as seemed best adapted to the existing circumstances at the time, and most likely to produce salutary and desirable effects. It had likewise been the practice of those with whom he had the honour to act, when they required any aid from the resources of the country, which they could alone get constitutionally by the means of an application to parliament, to lay before parliament every information that tended to show upon what grounds, or for what purposes, they made the requisition, as far as such communication could be made, without endangering the country, or betraying the trust reposed in them by their sovereign, or revealing, what always ought to be inviolably concealed, the secrets of the state. It had been said, that this conduct had occasioned great alarm and clamour in the country, and that ministers, in order to shield themselves from the blame, and destructive consequences of their measures, had, upon all occasions, applied to parliament, and thereby involved parliament in the odium which occasioned that clamour. Whatever clamour was at that time, he would assert, that a more idle, unfounded, or unjust clamour, never existed; and he appealed to that House, and could appeal to the country at large, whether that administration had, upon any occasion, given the world the smallest grounds to form such an idea, as that they went to parliament merely to screen themselves from the consequences of their own conduct, by involving parliament, as having given assistance and advice to pursue measures that they themselves were afterwards afraid to acknowledge; a conduct that could not be too strongly reprobated, as it went to throw off all sort of responsibility from the official servants of the crown. Whatever confidence was due to the executive government (and to a certain degree no man could be a greater advocate for confidence than he was), nothing would persuade him that it ought to be carried to that blind, implicit, and unintelligible length, which seemed to be required now-a-days by those entrusted with the executive power in this country. On all matters of such serious importance, so momentous and interesting as the present business was to the country, he thought it became ministers to communicate to parliament such explanation as they surely might do without hazard. No honest minister ever would betray his sovereign, or expose the secrets of the cabinet; but at the same time, no honest minister would make a demand upon parliament for their aid and advice, and lay claim to it, and the public purse, without assigning any one reason for that demand, further than the necessary confidence that is due to the servants of the crown: and if they did, there were very few periods at which it would avail them; and he sincerely hoped and trusted, that this was not the time when such an argument would be successful. When great and important plans were in agitation, great expense must be incurred; to defray which, the resources of the country must be required; and the consent of the people, by their representatives in parliament, must be obtained, before these resources could be appropriated to the intended purposes. But on all such occasions, it was proper and just that the

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country should know that their rights were in some degree or other invaded, that their commercial or political interests were either injured or endangered, or that the honour of the country had been insulted; all or any of which causes were sufficient to justify the measures of the executive government, and to satisfy the country that their most material and substantial interests were at stake; and that the conduct of administration was the necessary and proper consequence from the situation the country was in, and not the capricious and wilful acts of ministers, for some private end or wild project, the expediency or necessity of which existed only in their own minds, unknown, unexplained, and undefinable to all the world besides.—That the question of to-day was, in its nature, serious, momentous, and important, there could be but one opinion either in or out of that House. That the prospect of the country being plunged into a war, the consequences of which must be ruinous, and the termination doubtful, was a circumstance worthy of solemn deliberation; and that there existed any necessity for this war, or that any advantage could possibly accrue from it, were circumstances of which we were as yet entirely in the dark: neither by his majesty's message, nor by any information that ministers had yet given, or seemed disposed to give, could that House, far less the country, learn that their rights were in any shape invaded, that their commercial or political interests were at all exposed or endangered, or that the honour of the country had been any where, or any how, insulted. In this situation, therefore, from the profound and inexplicable silence observed by ministers, what had the country to think of their conduct? And would it not be much better sense, and more to their honour, were ministers to come forward, with an open and manly firmness, to communicate to parliament some explanation, and assign some reasons for their conduct before they asked their assistance and approbation, or claimed their confidence? which, he insisted, they might safely do, without betraying any trust, or exposing any secret that ought to be concealed; and unless they did this, he, for one, could not see any possible claim that they had either to confidence or approbation.—As to the motion made by the noble earl, and now before their lordships, he approved of it, whatever success might attend it, and was happy that it had been made, because it had produced one very good and very great effect, and that was a clear, explicit, and ample declaration, from the highest authority, and from a quarter that he ever had, and should have, the highest respect and veneration for. He complimented the lord chancellor very highly, and disclaimed every idea of flattery. The noble and learned lord had declared, that we had no fœderous connexion with Prussia, which occasioned the present war; and that, on a *bonâ fide* construction of that treaty, which was now the subject of discussion, there was nothing in the letter or spirit of that treaty, that could be construed into a cause for the present armament; and that it was merely a defensive treaty of alliance, and could be looked upon in no other light.—He said, it could scarce be argued, that Prussia had much to dread from the empress's extending her dominions to the frontiers of Poland, when it was remembered, that the king of Prussia, whom he considered as one of the greatest, wisest, and best princes that ever lived, had himself been a party in settling and confirming the treaty of partition. With regard to what had been said by the noble duke, that we were not at war, but negociating, not being in the secret, he could not pretend to state to the House what were the terms offered by Russia to prevent a war; but the terms which were supposed to be offered, as far as they had been mentioned, appeared reasonable; and until they were contradicted from authority, they must be thought the real offers which the empress had made; and he could not help thinking that, from the present aspect of affairs, we seemed to be arming, not for the purpose of obtaining and securing peace, but for certain conditions of peace, which conditions were dictated by the caprice and opinion of ministers only, and so different in their nature from the offers made, as to appear unreasonable to the court we were negociating with, and not likely to be agreed to.—He had heard it alleged without doors, that the empress was carrying on the war in order to secure to herself a large frontier; that by this she would easily pass into Poland, and would then affect the interest of the king of Prussia; and that therefore Great Britain, being his ally, was bound to prevent Russia from extending her conquests in that direction. If the question was, whe-

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ther there should be peace between Russia and the Porte, the argument would be very different. But the probability was, that there would be peace between Russia and the Porte, although this country did not go to war: there would be peace on certain conditions: and ought this country to go to war merely for the purpose of altering those conditions? It was but fair that the House and the country should be informed what offers had been made, because it was the avowed interest of this country to preserve peace in Europe. If those offers were no ways detrimental to the commercial and political interests of the country, or no ways derogatory to the honour of the nation, certainly they ought to be agreed to. If an opposite conduct was followed by ministers, the country must be at a loss to account for the motive of this war. Resentment for past injuries had been hinted at; but no man could argue that resentment was a proper motive for any country to go to war. In his mind, it was one of the worst and most unjust of all causes, even for an armament like the present; which, till farther explanation was given, he would consider as prepared merely to enforce certain conditions of peace, or provoke an unjust war, upon no other grounds but a blind confidence in ministers, and a bare statement from them, that they thought their own measures expedient.—He said, that if these conditions were to be obtained at the expense of twenty millions, or ten millions, or even five millions, he would ask ministers, after they had wrested Oczakow from the empress, what the value of it was to this country, or what return the country would receive for that expenditure? His lordship then stated the opinion of one of the greatest men, and ablest generals (marshal Keith), he had ever known; a countryman of our own, who had long been in the Russian army, and afterwards had gone into the Prussian service: that great man had told the king of Prussia, when the king had projected a plan of penetrating through Livonia to the Russian dominions, that such a scheme would require a very numerous and a well disciplined army, under the command of the greatest and wisest general, before it could be rendered successful, or even practicable; and that, on the other hand, a very small detachment of an army could successfully impede his progress, if the attempt was made. With this opinion before our eyes, what could we mean to do? Was it our intention to embark in such a design? or were we to endeavour to penetrate to Petersburgh, according to the plan which Charles 12th, one of the greatest and boldest military geniuses of his time, had adopted? —As to the resources of this country, he was not one of those who thought that they were exhausted, and that the finances of the country were in a deplorable situation; he thought the fact was otherwise, and that the national debt was not so great a burthen, or fell so oppressive, as had been stated. He, however, thought, that it was proper to have in view the true length to which it might with safety be extended, before any additional burthens were imposed, or money drained from the country, without solid and substantial grounds. He knew he differed in opinion from many noble lords, with whom he wished, on all occasions, to concur, with respect to the present state of this country. He thought it was rich and flourishing. It was rich in population, in wealth, and in revenue. But they had not a guinea to throw away for Oczakow.—He really thought it necessary, however, to press for some explanation upon the cause of the war, that the country might know what great advantage to their commerce, manufactures, or revenues, and what other benefits were likely to accrue to us from a war carried on with Calmuc Tartary. Although, perhaps, he should have very little to do with the management of this war, he owned he had some degree of curiosity to know the event of it. As to our fleet, no man within or without that House, had a higher opinion of the bravery of our officers, or the courage of our seamen than he had; but he would venture to assert, or, if he were more given to modern fashions, he would even bet, that whenever we chose to send our fleets into the Baltic, or to the Black Sea, they would meet with no enemy whatever, unless enemies which were always to be found in those seas, the wind, the shoals, and the rocks; violent enemies to be sure; but when added to the expense and taxation that must ensue at home, were all, he believed, that we could meet with.—His lordship concluded, by urging ministers to explain the cause of quarrel, and the offers of accommodation that have been made by the empress, as far as such explanation could be safely given, before they were entitled, or could fairly, openly

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and candidly claim the approbation and confidence of parliament. The whole of the noble earl's speech was accurate, clear, interesting, and eloquent; and from the particular attention with which it was listened to, it seemed to have great effect upon the House.

The Earl of *Hardwicke* thought their lordships had no right to say that they were surprised, or even that the present subject was new to them; for his majesty, in his speech at the opening of the session, had announced the fact that his mediation had not succeeded in bringing about a peace; and after this a larger marine establishment than usual was voted. He approved of what ministers had done, and should think them wrong, in the present stage of the business, to disclose any thing more than they had done in the message.

Viscount *Stormont* said, that at so late an hour, he should not intrude long on their lordships' patience; indeed, after a speech of such unanswerable reasoning, of so much information and eloquence, as the one they had just heard from his noble friend (the earl of Guildford), nothing that he had to say could be of much consequence. After the debate both of this and a former evening, it must be evident that ministers forsook every ground which the usage of the constitution had established, and in a dictatorial tone, delivered out this alarming measure, as a matter to which parliament was blindly to accede, but which they had no right to investigate. They demanded confidence as men demand a right; and threw themselves, not on reason, not on argument, but on responsibility. "We are," say they, "responsible for this measure; we are resolved on it: we want not your advice: we call only for your acquiescence." This was certainly not a tone to which parliament had been accustomed, nor that which was becoming at any time, or in any case. The noble duke (Leeds) whose manners in private life were so polished, had not, in his public capacity, sent a message to her imperial majesty remarkable for moderation. He would undertake to say, that no precedent could be found for it in the office which he held. Unprovoked, unattacked, we chose to interfere in a war, in which she was not the aggressor, and, with a peremptory voice, demanded, that she should not retain any one of the places which she had conquered, as an indemnification for the expense. This war (of which he was too much afraid we were the original authors; for ministers had not attempted to contradict the rumour that British councils had excited the Turks to attack Russia) was now to be put a stop to by this peremptory mandate. It was as unwise as it was likely to be calamitous. It was a new situation; for we never had a fleet in the Baltic, without at the same time possessing a friend there; and such a message was never sent to any foreign power. If, therefore, ministers were determined to stand on their responsibility, he must warn them of the extent of their pledge; for the day of account must come, and he foresaw it would be a day of severe reckoning.—His majesty's speech from the throne had been repeatedly referred to, as intimating that his majesty had thought it necessary to employ the weight and influence of this country in contributing to the general tranquillity. The speech undoubtedly contained that intimation; but no person understood that by the expressions he had quoted, was meant the hostile interference of this country. If so, serious, indeed, would be the circumstance, and highly censurable those ministers, who had put words into his majesty's speech, ostensibly bearing one construction while they were intended to cover another, and that a very different one. The noble duke thought that the empress would acquiesce on moderate terms, merely because Great Britain thought the terms moderate. He reminded the House, that, in a former debate he had said, that the empress affected the character of our queen Elizabeth. He feared, therefore, that she would be apt to make in prose, the same sort of answer that our queen had given in verse to the Russian ambassador, on his delivery of a proposition which she disapproved. His lordship laid great stress upon the moment which our ministers had chosen to adopt the measure of an hostile interference in Europe, viz. at the very moment when their infamous Indian treaty was just announced, and all this they did against Russia, who, it seemed, was not just then to be called our natural ally, but the recovery of whose frindship was at least well worth cultivating. The late Mr. Pitt had been called upon in a former war, by Prussia, to send a fleet into the Baltic, and the demand was repeatedly and earnestly made by the court of Berlin; but Mr. Pitt never would consent to a

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rupture with Russia, nor put the extinction of the remains of friendship between the courts of London and Petersburgh to the hazard, by complying with the requisition. At that time we might have ventured upon the measure much more safely than we could at present. All our factories in Russia were then protected by a subsisting treaty of commerce; whereas all our protection now rested solely on the empress's magnanimity. On that magnanimity he relied; but at the same time he hoped his majesty's ministers had given secret notice to our factories of the danger that awaited them. Notwithstanding the late Mr. Pitt's refusal to send a fleet to the Baltic on a former, and surely a far more justifiable occasion, we were going to send one now to prevent the irreparable injury to the king of Prussia, resulting from the empress being permitted to keep possession of Oczakow! So that the only thing they were to contend for was, a little desert spot, through which Russia might with the greater facility annoy Prussia. Without doors, he had heard of compassion for the poor Turks; whereas it ought never to be forgotten, that, in the war between the Porte and Russia, the Turks had been the open unqualified aggressor; and his lordship declared, that he went all along upon the supposition that we were not the instigators of the Turks to go to war. If we had instigated them to attack Russia, let ministers avow it, as the only compensation they could make to their country; and they would then be open not only to the censure of the public at present, but to their condemnation as long as sense and judgment should exist In conclusion, he wished that we might not squander our treasures and our blood, or sacrifice our honour, by a war with Russia on so shallow a pretence; because if we did, he was persuaded the effects would be seriously felt by this country for ages, let the immediate effects be what they would.

The *Lord Chancellor* observed, that it must be unwise to enter before hand into the discussion of any matter stated to be in negociation, and therefore he should decline giving any opinion upon the subject. In reply to what a noble earl near him had suggested, from an opinion that he had in a former debate discussed the merits of the Prussian treaty, he could only say that he had made no such discussion. With regard to the construction put upon defensive treaties, he saw no reason so strictly to interpret them, as to lay it down that the parties were to wait for an attack before they took any measures for their defence; and he would ask if the present king of Prussia was to have it recommended to him to be perfectly passive till the sword was actually in his bosom?

The House then divided on the previous question: Contents, 32; Proxies, 2—34. Not-contents, 82; Proxies, 12—94. Majority, 60. The two other resolutions were put and negatived.

Debate in the Commons on Mr. Fowke's Petition.] April 4. Mr. *Burke* said, that probably the House would be surprised not to discover, when he informed them that he must beg leave to present a paper to them concerning an East India subject, that, strange to tell, it was not an impeachment, but, what was still more strange, a petition from a person who had been long in the service of the East India company, and yet was miserably poor. It was the petition of Joseph Fowke, who held, during 56 years, an employment under the company in India, which, added to the length of his father's services, made up no less than 106 years, and at the age of 72 years, he found himself in great indigence. According to a resolution entered into some years ago by the court of directors, it had been formally signified to the company's servants in India, that if any of them, after a certain period of services in India, should desire to return home, they might be permitted to do so, and in case, upon oath made of the fortunes they returned with, it should appear that they were not worth 10,000*l.*, the company agreed to make their income up according to the rate of 400*l.* as an annuity. Mr. Fowke, by the permission of lord Cornwallis, had returned home from his station of senior private merchant, about fourteen months since: he had made the requisite oath as to his fortune, and sworn, so far from being in possession of 10,000*l.*, his circumstances were so straitened, that he had not much more than 40*l.* a year to live upon. His case had been regularly laid before the court of directors, who had, nevertheless, refused to grant him any relief; but had intimated to him that he had their permission to return by the first of the company's ships, and resume his station in India. Now, it was very natural for a man, at the age of

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72, to wish to remain in his native country, and await that personal infirmity which had since actually befallen him. Palsied, therefore, as Mr. Fowke was, and not having any reasonable expectation of a long remainder of life, it was not to be wondered at, that in his 74th year, he should not be willing to undertake another voyage to India, in order to begin the world again; and, upon these grounds, the petitioner came to the House for some relief under such circumstances of distress and misfortune in the first instance, and ultimately of oppression and injustice. Mr. Burke added, that he knew not how the House could regularly take cognizance of the grievance alleged in the petition, but if they had the power, sure he was, that it was their bounden duty to protect every person employed under the government of the country, whether by direct commission, or through the medium of the appointment of the East India company. The company might possibly have good reasons to allege in justification of their conduct; and therefore, in order that the truth of the case might be ascertained, and substantial justice be done to all parties, after the petition had been brought up and read, he should move that it be referred to a committee, to inquire and report to the House.

The petition having been presented and read,

Alderman *Le Mesurier* said, that not being in the direction at the time when the case of the petitioner was under the consideration of the directors, he could only speak upon the subject from the information of others; but from what he had heard, he believed his brother directors could assign the most justifiable reasons for their conduct. He thought it right, however, to state that Mr. Fowke was not in a situation of pressing distress; if he had not a fortune himself, his son was in an affluent situation, and he understood that, much to his credit, he made his father a very liberal allowance. He mentioned this merely to let the House feel that the case of Mr. Fowke was not so far pitiable as that he ought to be considered as a person in a situation of pinching penury. Undoubtedly what he had stated, did not alter the justice of the case. As it appeared to be the general inclination of the House, that the petition should be referred to a committee, he had not, for one, the smallest objection. The House would have their table covered with frivolous petitions, should they encourage the presentation of such as might be offered by the complaining part of the company's servants.

Mr. *Burke* remarked that the hon. gentleman had taken a curious ground of defence for the court of directors, and very well accounted for unaccountable things, and assigned the best of all possible reasons for saying nothing, namely, because he had nothing to say. What had been the hon. gentleman's argument against entertaining petitions complaining of grievances, but that the countenancing one statement of a grievance would occasion the introduction of others. Could there be a better argument to encourage the House to countenance petitions of that nature, than the broadly stating, that if they listened to one complaint of a grievance, they would be called on to listen to others that would not otherwise have been brought forward? In arguing that Mr. Fowke, though poor himself, had a wealthy son, who made him a liberal provision, the hon. member had completely opened the policy of the East India company and their board of directors. If brothers were affectionate, parents tender, children pious, and friends kind, the company were to do nothing: they looked upon themselves as absolved form all pledge of their public faith, and free from every engagement.

The motion was agreed to, and a committee appointed.

Debate in the Commons on the Corn Regulation Bill.] The House went into a committee on this bill. When they came to that part of the table which enacts, That the ports shall be opened for the importation of foreign corn, when the price of British corn shall amount to 48*s*.

Mr. *Powys* objected to the admission of foreign wheat, until the produce of this country should be at the average price of 52*s*. instead of 48*s*. The present bill was founded unfortunately upon the corn bill of 1773, which repealed the corn laws that had existed for upwards of a century before, and under which old laws the trade had flourished; but since the repeal of them by the act of 1773, the principle of which was followed in the present bill, that trade had been destroyed, and we were now become a corn-importing, instead of a corn-exporting country. He would take the sense of the committee for the insertion of the higher price.

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Mr. *Ryder* ascribed the increase of importation to the increase of wealth, of population, of luxury, of horses, and of distilleries. He contended, that the price by which British corn was proposed, by the table, to be protected, would not operate to the discouragement of agriculture. He observed, that all the productions of the earth had increased in price in proportion with that of wheat, and that a farther increase would not operate to the benefit of the landholder, since it would ultimately tend to raise the wages of manufacturers and labourers, which would be severely felt by the landholder, and operate injuriously to our commerce, by raising the price of our manufactures in foreign markets. The bill was calculated to prevent an artificial scarcity, and to keep the price of wheat at a price neither too low for the grower, nor too high for the consumer.

Lord *Carysfort* said, he considered the cheapest possible mode of procuring corn for the consumption of the country, to be by making the importation and exportation free. Such, however, was not the object of the present bill: its object was to secure, for the people, corn, not at the lowest possible price, but at such a moderate price, as might ensure the growth of the country to be adequate to its consumption; the whole of which object was hazarded by fixing too low a price for the importation of corn, which could not fail to discourage the tillage of this country, and render us dependant on other countries for support. He was, therefore, for raising the price to 52*s*.

Mr. *Pelham* argued against the table. He said, the principal object of the House ought to be the supplying the country with corn of its own growth, which could not be effected, situated as England was situated, unless the growing of corn was forced by bounties, or by an admission of export when the prices should be higher than proposed by the bill. The poor-rates and the tythes fell so heavily upon the farmers, that their profits were too inconsiderable to enable them to withstand the losses occasioned by casualties. He should therefore give his vote for the increase of price to 52*s*.

Mr. *Pulteney* said, a free trade would be too great a venture, since the House ought not to risk the existence of the people upon any theory, however plausible. He was for increasing the price, as proposed by the hon. gentleman, in order to prevent the farmer from being crushed; contending, from conviction, that if the farmers were suffered to be crushed, the poor would be crushed also.

Mr. *Bastard* asserted that 48*s*. a quarter was not more than a saving price to the farmer; and as, by the present bill, they never could expect to obtain more, if it should pass, though they might possibly get considerably less, he was convinced it would destroy the growing of corn, and that farmers would turn their tillage into pasture; to prevent which circumstance, he should give his vote for 52*s*.

Mr. *Powys* produced a calculation which would prove that a farmer could not gain upon 48*s*. the quarter; since admitting that he gave only 20*s*. rent for an acre, his tillage, and other expenses would amount to 6*l*. 3*s*. 5*d*.; to repay, which, calculating that an acre would produce three quarters, at the highest price in the bill, viz. 48*s*. the farmer would have to defray these expenses of 7*l*. 3*s*. 5*d*. out of no more than 7*l*. 4*s*.

Lord *Sheffield* contended that, if foreign corn was admitted to be imported when the price was at 48*s*. every encouragement would be taken away from tillage. He made some observations on the advantages which America and Ireland would possess over this country in the growth of their corn, and showed the strong necessity that would arise to guard against the operation which their imports might have upon our agriculture; but necessary, as it would be, to guard against them, it would speedily be doubly necessary to guard against the advantages France would have over us in the growing of her corn, unfettered by tithes and absurd corn laws. The advantages of other countries would soon put a period to our tillage, unless we had protecting prices, and 52*s*. he conceived to be the lowest that ought to be granted.

Mr. *Fox* said, he had paid much attention to the arguments used that night, and had in his recollection the arguments that were used in former times upon the same subject: and he could not avoid saying, that the question seemed to stand between authority and argument, by the manner in which it had been treated by some friends to the bill. On the side of authority, much had been claimed, without any pretensions either to particular knowledge or experience on the subject; and on the side of argument, there could be

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but one opinion in the committee. He was led to form his opinion, in a great measure, from what had fallen from those gentlemen who might be supposed most conversant with the nature and effects of a corn bill. These gentlemen had stated, that whatever encouraged the importation of corn, was against agriculture; and an attempt had been made to answer that, by saying, that the increase of importation for a considerable time back, was not owing to any decrease of growth, but to the additional population and flourishing state of the country. Now he, for one, should be very happy if this were really the case: but he would not readily believe that it was so, until some reasonable ground was offered by those who brought forward that position, to convince the committee that it was a true one, which, however, had not yet been done, but on the contrary, it had been stated by very good judges, that farmers, under the corn laws, as they stood in Charles 2nd or king William's time, and even since, till the year 1773, had an advantage by, and always preferred, having their farms arable, rather than in pasture, while importations from other countries were discouraged, and *vice versâ*, in proportion; so that we had the experience of more than a century past opposed to an experiment of eighteen years. Mr. Fox contended, though he owned farming was a trade that he could not be supposed to be very well acquainted with that it was one which of all others, the country was most interested in supporting, and therefore the bill was deserving of every attention that could be given to it. Some gentlemen had pretended to have a great regard for the poor, and a fear that allowing the corn to get so high as 52*s.* would be hard upon them. He, however, was of a different opinion, and argued, that such measures as were beneficial to the farmer, never would be against the interest of the poor. The difference between plenty and scarcity was simply this, in his mind, and depended more upon the elements and climate than any other cause. If a farmer had a good crop, he sold it at a low price one year; and having a bad crop, he sold at a high price another year. Still, if you prevent importation, the scarcity, or superabundance of crop, will not be detrimental to the farmer: but if, in a plentiful season, the farmer must sell low and when severity comes, though not to any, alarming degree, you will not allow him to sell at a high price, but encourage importation, certainly you are treating him unfairly and unjustly. The only security to the poor must arise from encouraging the tillage of the country, and that was alone to be done by granting bounties, or high protecting prices, which would operate as bounties. Mr. Fox said the country was oppressed by tithes, the collection of which was harsh and injurious; and he anxiously wished that some gentlemen in that House would attempt to relieve the country from that discouragement to every agricultural improvement. Upon the whole he was of opinion, that it was against the interests of agriculture to allow importation at so low a price as 48*s.*, and should vote for the higher sum.

Mr. *Pitt* argued ably for the table, being convinced that the system upon which it went, fixed the price high enough for the encouragement of tillage, and at the same time guarded against any serious inconvenience to the consumer.

The committee divided upon the amendment: Yeas, 59; Noes, 53.

Motion for a Committee on the Public Income and Expenditure.] April 8. Mr. *Pitt* said, he rose to move for a select committee to inquire into the state of the public income and expenditure. He should propose that this committee be appointed in the same manner as other committees of the same nature had been appointed on former occasions, namely, by ballot. He then moved, "That the several accounts and other papers presented to the House in this session of parliament, relating to the Public Income and Expenditure, be referred to the consideration of a select committee; and that the said committee be directed to examine and state the same, and to report to the House what has been the whole amount of the public income and expenditure during the last five years, and what may be expected to be the annual amount thereof in future, and also what alteration has taken place in the amount of the public debt since the 5th day of January 1786."

Mr. *Fox* did not by any means rise to oppose the motion. Many endeavours he said, had been made to persuade the country that, during the last five years, the national debt had been considerably diminished. He did not pretend from any investigation of his own, to be able to

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speak with certainty on the subject. He had no opportunity of knowing whether the assertions were true or false. He had however had more opportunity of examining into the state of the public revenue and expenditure, between Jan. 1, 1786 and Jan. 1, 1789; and he had no difficulty in saying, that, during the above period, the public expenditure did exceed not only the regular income, but all income in every shape. All accounts of this kind were naturally involved in intricacy, and it was proper that a committee should be appointed to examine them. But it was very material for that House to consider what sort of a committee should be appointed, and in what manner. He remembered a committee of a similar nature, formerly appointed by the right hon. gentleman, which gave much offence. He did not mean to find fault with the individuals, but the names that composed that committee gave every impartial man dissatisfaction. When a minister pretended to wish for a committee to be appointed to give full and correct account of the public finances that committee ought not to consist, as the former did, of a number of the minister's friends, and of persons notoriously his warmest partizans, headed by one of his colleagues; it being naturally so much in the power of a committee, in stating subjects of such great intricacy and magnitude to make a favourable or unfavourable report, just as they thought proper. Mr. Fox declared, he would prefer any other mode of electing a committee to that of an election by ballot. If the committee were to be appointed openly in the House, he should then have an opportunity of taking the sense of the House on the names that might be proposed. No man would deny, that among those who sat on his side of the House, and who professed themselves to be no friends to the right hon. gentleman's administration, there were several who were every way adequate to the investigation of a subject of that nature. If the right hon. gentleman were to move names openly in the House, Mr. Fox said, it would be competent for him also to propose names. But, if the committee was appointed by ballot, this could not be done. The last committee, however respectable they were individually, were no sooner appointed, than every impartial man expressed his dissatisfaction. He did not oppose the appointment of a select committee, his objection was, to its being appointed by ballot.

Mr. *Pitt* said, that whenever the inquiry was made, and the matter rightly understood, it would be found, that during the years 1786, and 1789, the public revenue had exceeded the expenditure. As to the mode of appointing the committee, he did not think it liable to the imputation which had been cast upon it. Was it to be supposed, for a moment, that members in giving in their lists by ballot, would not act as fairly as they would do if any other mode of proceeding were adopted? He believed they would, and therefore he should certainly persist in moving, that the committee be appointed by ballot. The right hon. gentleman had spoken with much personal civility of the last committee, but had observed, that they had given great dissatisfaction to every impartial man. Mr. Pitt declared, he could not conceive how dissatisfaction could have arisen in the breast of any man against that committee, and he firmly believed that no dissatisfaction had existed. The committee must report the facts, and the vouchers on which they proceeded to ground their opinion. They were, therefore, liable to detection, if they did not report fairly. For his part, it was his sincere wish that, for the purpose of obtaining an useful, intelligent and distinct report, the members should be selected from both sides of the House.

Mr. *Fox* was glad that they were not to have such a committee as the last; but he still thought the better way of choosing the committee would be by the House acting openly, rather than in a concealed manner, by means of a ballot; for every one knew perfectly well how those sorts of ballots were managed.

The motion was agreed to. It was resolved that the number of the committee should be nine, and that it should be chosen by ballot.

Debate in the Commons on the Quebec Government Bill.] The order of the day being read, for taking the report of the Quebec Government Bill into farther consideration, Mr. Hussey presented a petition from several merchants, warehousemen, and manufacturers, concerned in the trade to Quebec, praying that the bill might not pass into a law, inasmuch, as after having duly weighed the consequences of it, they conceived it would be attended with great injury to the said province, and particularly to the trade

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and commerce of the petitioners. It was ordered to lie on the table. The Speaker then put the question, "That this report be now taken into farther consideration."

Mr. *Hussey* moved, "That the bill be recommitted." He made that motion, because he thought there were many objections to various parts of the bill.

Mr. *Fox* seconded the motion. He observed, that the bill contained a great variety of clauses, all of them of the utmost importance, not only to the country to which they immediately referred, but also to Great Britain. He hoped that in promulgating the scheme of a new constitution for the province of Quebec, the House would keep in their view those enlightened principles of freedom, which had already made a rapid progress over a considerable portion of the globe, and were becoming every day more and more universal. As the love of liberty was gaining ground in consequence of the diffusion of literature and knowledge through the world, he thought that a constitution should be formed for Canada as consistent as possible with the principles of freedom. This bill, in his opinion, would not establish such a government, and that was his chief reason for opposing it. The bill proposed to give two houses of assembly in the two provinces, one to each of them, and thus far it met with his approbation: but the number of persons of whom these assemblies were to consist, deserved particular attention. Although it might be perfectly true, that a country, three or four times as large as Great Britain, ought to have representatives three or four times as numerous, yet it was not fit to say, that a small country should have an assembly proportionably small. The great object in the institution of all popular assemblies was, that the people should be fully and freely represented; and that the representative body should have all the virtues and the vices incidental to such assemblies. But when they made an assembly to consist of sixteen or thirty persons, they seemed to him to give a free constitution in appearance, when, in fact, they withheld it. In Great Britain, we had a septennial bill; but the goodness of it had been considered doubtful, at least, even by many of those who took a lead in the present bill. The right hon. the chancellor of the exchequer had himself supported a vote for the repeal of that act. He did not now mean to discuss its merits; but a main ground on which it had been thought defensible was, that a general election in this country was attended with a variety of inconveniences. That general elections in Great Britain were attended with several inconveniences could not be doubted; but when they came to a country so different in all circumstances as Canada, and where elections, for many years at least, were not likely to be attended with the consequences which they dreaded, why they should make such assemblies not annual or triennial, but septennial, was beyond his comprehension. A septennial bill did not apply to many of the most respectable persons in that country; they might be persons engaged in trade, and if chosen representatives for seven years, they might not be in a situation to attend during all that period; their affairs might call them to England, or many other circumstances might arise, effectually to prevent them from attending the service of their country. But although it might be inconvenient for such persons to attend such assembly for the term of seven years, they might be able to give their attendance for one, or even for three years, without any danger or inconvenience to their commercial concerns. By a septennial bill, the country of Canada might be deprived of many of the few representatives that were allowed by the bill. If it should be said, that this objection applied to Great Britain, he completely denied it; because, although there were persons engaged in trade in the British House of Commons, and many of them very worthy members, yet they were comparatively few; and therefore he should think that, from the situation of Canada, annual or triennial parliaments would be much preferable to septennial. Of the qualification of electors he felt it impossible to approve. In England, a freehold of forty shillings was sufficient; five pounds were necessary in Canada. Perhaps it might be said, that when this was fairly considered, it would make no material difference; and this he suspected to be the case; but granting that it did not, when we were giving to the world by this bill, our notions of the principles of election, we should not hold out that the qualifications in Great Britain were lower than they ought to be. The qualifications on a house were still higher! he believed, ten pounds. — In fact, he thought that the whole of this constitution was an attempt to undermine and contradict the professed

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purport of the bill, namely, the introduction of a popular government into Canada. But although this was the case with respect to the two assemblies, although they were to consist of so inconsiderable a number of members, the legislative councils in both provinces were unlimited as to numbers. They might consist of any number whatever, at the will of the governor. Instead of being hereditary councils, or councils chosen by electors, as was the case in some of the colonies in the West Indies, or chosen by the king, they were compounded of the other two. As to the points of hereditary powers and hereditary honours, to say that they were good, or that they were not good, as a general proposition, was not easily maintained; but he saw nothing so good in hereditary powers and honours, as to incline us to introduce them into a country were they were unknown, and by such means distinguish Canada from all the colonies in the West Indies. In countries where they made a part of the constitution, he did not think it wise to destroy them; but to give birth and life to such principles in countries where they did not exist, appeared to him to be exceedingly unwise. Nor could he account for it, unless it was that Canada having been formerly a French colony, there might be an opportunity of reviving those titles of honour, the extinction of which some gentlemen so much deplored, and to revive in the West that spirit of chivalry which had fallen into disgrace in the neighbouring country. He asked, if those red and blue ribbons, which had lost their lustre in the old world, were to shine forth again in the new? It seemed to him peculiarly absurd to introduce hereditary honours in America, where those artificial distinctions stunk in the nostrils of the natives. He declared he thought these powers and honours wholly unnecesssary, and tending rather to make a new constitution worse than better. If the council were wholly hereditary, he should equally object to it; it would only add to the power of the king and the governor: for a council so constituted would only be the tool of the governor as the governor himself would only be the tool and engine of the king. He did not clearly comprehend the provision which the bill made for the protestant clergy. By the Protestant clergy, he supposed to be understood not only the clergy of the church of England, but all descriptions of Protestants.—He totally disapproved of the clause which enacts, "That whenever the king shall make grants of lands, one-seventh part of those lands shall be appropriated to the Protestant clergy." He declared he had two objections to these regulations, both of them, in his opinion, of great weight. In all grants of lands made in that country to Catholics (and a majority of the inhabitants were of that persuasion) one seventh part of those grants was to be appropriated to the Protestant clergy, although they might not have any cure of souls, or any congregations to instruct. One tenth part of the produce of this country was assigned, and this, perhaps, was more than one seventh part of the land. He wished to deprive no clergyman of his just rights; but in settling a new constitution, and laying down new principles, to enact that the clergy should have one seventh of all grants, he must confess, appeared to him an absurd doctrine. If they were all of the church of England, this would not reconcile him to the measure. It might be asked, why should not they have as much as those of the church of England? In this country, we had that which some condemned, and others praised; we had a kind of show, but still a proportion must be observed. The greatest part of these Protestant clergy were not of the church of England; they were chiefly what are called Protestant dissenters in this country. They were, therefore, going to give to dissenters one-seventh part of all the lands in the province. Was this the proportion, either in Scotland, or in any other country, where those religious principles were professed? It was not the proportion, either in Scotland, or in any other ecclesiastical country in Europe; we were, therefore, by this bill, making a sort of provision for the Protestant clergy of Canada, which was unknown to them in every part of Europe; a provision, in his apprehension, which would rather tend to corrupt than to benefit them. The regulation was likewise, in part, obscure, because, after it had stated that one seventh portion of the land should always be set aside for the Protestant clergy, it did not state how it should be applied.—The bill was likewise exceptionable, as far as it related to the regulation of appeals. Suitors were, in the first instance, to carry their complaints before the courts of common law in Canada: if dissatisfied with the decisions of those courts,

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they might appeal to the governor and council: if dissatisfied with their judgment they might then appeal to the king in council; and next to the House of Lords. Now, if the House of Lords was a better court, which he believed it to be, than the king in council, why compel them to appeal to the king in council, before they could come to the House of Lords? Why not apply to the House of Lords at once? This could answer no possible purpose, but to render lawsuits exceedingly expensive, and exceedingly vexatious.—These were the principal objections he had to this bill. There had not yet been a word said in explanation of it, with all its variety of clauses and regulations. It went through the House silently without one observation: it also went through the committee only in form, but not in substance. Of all the points of the bill, that which struck him the most forcibly was the division of the province of Canada. It had been urged that, by such means, we could separate the English and the French inhabitants of the province; that we could distinguish who were originally French from those of English origin. But was this to be desired? Was it not rather to be avoided? Was it agreeable to general political expediency? The most desirable circumstance was, that the French and English inhabitants of Canada should unite and coalesce, as it were, into one body, and that the different distinctions of the people might be extinguished for ever. If this had been the object in view, the English laws might soon have prevailed universally throughout Canada, not from force, but from choice and conviction of their superiority. He had no doubt, that on a fair trial they would be found free from all objection. The inhabitants of Canada had not the laws of France. The commercial code was never established there; they stood upon the exceedingly inconvenient custom of Paris. He wished the people of that country to adopt the English laws from choice, and not from force; and he did not think the division of the province the most likely means to bring about this desirable end.—In his opinion, this bill was also objectionable, as far as it related to the trial by jury, and the habeas corpus act, which the Canadians were said to enjoy by an ordinance of the province. It was stated, by one of the counsel at the bar, that either the ordinance which gave the inhabitants the trial by jury, or that which afforded them the benefit of the habeas corpus act, would expire before this bill could pass into a law. If this were true, it was an objection to the bill, and ought to be remedied. He trusted that the House would also seriously consider the particular situation of Canada. It was not to be compared to the West Indies; it was a country of a different nature; it did not consist of a few white inhabitants, and a number of slaves; but it was a country of great growing population, which had increased very much, and which, he hoped, would increase much more. It was a country as capable of enjoying political freedom, in its utmost extent, as any other country on the face of the globe. This country was situated near the colonies of North America. All their animosity and bitterness on the quarrel between them and Great Britain was now over; and he believed that there were very few people among those colonies who would not be ready to admit every person belonging to this country into a participation of all their privileges, and would receive them with open arms. The governments now established in North America were, in his opinion, the best adapted to the situation of the people who lived under them, of any of the governments of the ancient or modern world: and when we had a colony like this, capable of freedom and capable of a great increase of population, it was material that the inhabitants should have nothing to look to among their neighbours to excite their envy. Canada must be preserved to Great Britain, by the choice of its inhabitants. But it should be felt by the inhabitants that their situation was not worse than that of their neighbours. He wished the Canadians to be in such a situation as to have nothing to envy in any part of the king's dominions. But this would never be the case under a bill which held out to them something like the shadow of the British constitution, but denied them the substance. In a country where the principles of liberty were gaining ground, they should have a government as agreeable to the genuine principles of freedom, as was consistent with the nature of circumstances. He did not think that the government intended to be established by the bill, would prove such a government; and this was his principal motive for opposing it. The legislative councils ought to be totally free, and repeatedly chosen, in a manner

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as much independent of the governor as the nature of a colony would admit. Those, he conceived, would be the best; but if not, they should have their seats for life; be appointed by the king, consist of a limited number, and possess no hereditary honours. Those honours might be very proper, and of great utility in countries where they had existed by long custom; but, in his opinion, they were not fit to be introduced where they had no original existence; where there was no particular reason for introducing them, arising from the nature of the country, its extent, its state of improvement, or its peculiar customs; where, instead of attracting respect, they might excite envy: and as but few could enjoy them, those who did not, might be induced to form an unfavourable comparison between their own situation and that of their neighbours, among whom no such distinctions were known. Even whilst he felt himself perfectly desirous of establishing a permanent provision for the clergy, he could not think of making for them a provision so considerable, as was unknown in any country of Europe, where the species of religion to be provided for prevailed. It was upon these grounds which he had stated, that he felt himself justified in seconding the motion of his hon. friend.

Mr. *Pitt*, although he did not feel inclined to oppose the motion, could not avoid expressing his regret that the clauses which were objected against had not attracted the attention of gentlemen on an earlier day. As to the first objection of the right hon. gentleman, he must confess that it was certainly his wish that the assemblies in both provinces might prove numerous enough to answer all the purposes of a popular assembly, as far as the circumstances of the two provinces were properly qualified for that situation: but he doubted very much, according to the present state of the colony, and the population in that province, whether the assemblies could be rendered more numerous than was proposed. The House would, however, consider, that there was no wish that the assemblies should not be increased, when the population of the province increased. The assemblies undoubtedly ought to be extended with the growing population of Canada. He believed that a very numerous representative body was in no respect desirable, and they ought always to bear some proportion to the circumstances of the country. With regard to the duration of the assemblies, a house of assembly for seven years would surely be better than one for a shorter period. In the other colonies, the council and assembly were constituted in such a manner, as to invest the governor with more influence than would be given to him by the present bill. If the assembly was not properly constituted at first, it must be recollected that it was subject to revision. There was nothing to hinder the parliament of Great Britain from correcting any thing that might hereafter appear to want correction. As to the legislative council, he entirely differed from the right hon. gentleman, who thought it would be better if it were to be an elective council, in the manner which had been lately established in America. He did not think it was the business of that House to discuss what was the best constitution of government for France, for America, or for any foreign country; and this had been a reason why he had always declined making any remarks concerning the affairs of France. Whether France had chosen well for itself, or whether America had chosen well for itself, he had no difficulty in declaring, that the English constitution which we had chosen, was in its principle the best for us; better than any of those republican principles. He said he did not mean to use the word republican as an obnoxious term, but none of those republican principles which the right hon. gentleman had described as the consequence of a greater extension of learning and light, and which, he had said, shone in the constitutions of France and America, could improve the constitution of Britain. They did not appear to be such as if adopted by us, or any of our colonies would be any improvement of our constitution, but the reverse. An aristocratical principle being one part of our mixed government, he thought it proper that there should be such a council in Canada as was provided for by the bill, and which might answer to that part of the British constitution which composed the other house of parliament. With regard to the Protestant clergy, he wished to make an adequate provision for them, so that they might be supported in as respectable a situation as possible. The giving them a certain portion of land was the most eligible mode of supporting the clergy which had occurred to his mind; and as to the proportion of one-seventh, if it

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turned out to be too much in future, the state of the land appropriated to the clergy, like every thing else provided by the bill, was subject to a revision. At present, he imagined that no man could think that one-seventh part was unreasonable; and it was to be recollected that one-seventh had almost grown into an established custom, where land had been given in commutation for tithes. One-tenth of the produce which took place in England, must be confessed to be a far greater provision than one-seventh of land. As to the division of the province, it was, in a great measure the fundamental part of the bill; and he had no scruple to declare, that he considered it as the most material and essential part of it. He agreed with the right hon. gentleman, in thinking it extremely desirable that the inhabitants of Canada should be united, and led universally to prefer the English constitution and the English laws. Dividing the province, he considered to be the most likely means to effect this purpose, since by so doing, the French subjects would be sensible that the British government had no intention of forcing the English laws upon them, and therefore they would, with more facility, look at the operation and effect of those laws, compare them with the operation and effect of their own, and probably in time adopt them from conviction. This, he thought, was more likely to be the case, than if the British government were all at once to subject the whole inhabitants to the constitution and laws of this country. Experience would teach them that the English laws were best; and he admitted that they ought to be governed to their satisfaction. If the province had not been divided, there would have been only one house of assembly: and there being two parties, if those parties had been equal, or nearly equal, in the assembly, it would have been the source of perpetual faction: if one of the parties had been much stronger than the other, the other might justly have complained that they were oppressed. It was on that persuasion that the division of the province was conceived to be the most likely way of attaining every desirable end.

The bill was then ordered to be recommitted.

Debate in the Commons on the Catholic Dissenters Relief Bill.] April 1. The House being in a committee on this bill,

Mr. *Fox said*, he had an alteration to propose in the oath. It was suggested to him by some of the persons interested in the bill, and related to that part of the oath which disavows the authority of ordinances or decrees of councils, to absolve from any allegiance to the king and government, and from the obligations of an oath. He then read the proposed amendment, which was adopted.

Mr. *Pitt*, adverting to that part of the oath which declares, "That no person can be absolved from any sin, nor any sin whatever be forgiven, without sorrow for past offences and resolution to avoid future guilt," said, that the House, as a legislative assembly, might very properly exact a declaration, that no man can be absolved from moral obligation and obedience to the law; but it was totally beyond their province to require a declaration concerning points of doctrine which included the forgiveness of sins.

The propriety of this amendment was also admitted. Several new clauses were brought up by Mr. Mitford, and agreed to, *pro forma*.

Mr. *Fox* said, that there were several alterations in the bill, to which he now gave notice that he could not agree, and which he should certainly oppose. It was meant, he understood, to change the name, by which persons taking the benefit of the bill, were to be distinguished. Why any objection should be made against persons calling themselves Catholic Dissenters, who thought that the name was applicable to their situation, he could not comprehend. They had long been called by the name of Papists in this country; but we had also been in the habit of calling them traitors and murderers, with perhaps as much justice. Papist was an invidious name, and by no means applicable, in its strict sense, to the English Roman Catholics: as such, it ought not to be continued. It was also intended to prevent persons taking the benefit of the act, from exercising any patronage, which, in right of their property, they may possess, or present to any livings in the church. This he thought not only invidious and unjust, but absurd, inasmuch as that which was thought a sufficient security to the government, ought to be deemed a sufficient security to the church. The clause in the bill, which denied the benefit of it to any person who shall speak or write against the doctrine of the Trinity, was such as ought

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never to have been admitted into any bill; and the admission of it into this was peculiarly improper, since it was never imagined, but that Roman Catholics were sufficiently Trinitarian to satisfy the most orthodox divine of the Church of England.

Mr. *Mitford* answered, that the change of name was introduced by the desire of the persons for whose relief the bill was intended. The article respecting the doctrine of the Trinity was preserved, because it was found in the act of toleration, and he intended to have left it out, for the sake of avoiding discussion.

Mr. *Fox* said, that as far as that argument went, he rejoiced that the clause had been introduced, because he thought it a subject which ought to be discussed.

Mr. *Pitt* said, that to allow persons taking the benefit of the bill to exercise church patronage, was a point to which he was not prepared to give his assent.

The Bill was then reported.

April 8. The report of the bill was taken into further consideration. On the clause for enabling Catholic dissenters, who shall take the oath, to present to ecclesiastical livings,

The *Master of the Rolls* observed, that to adopt it would be to go farther than the bill professed to go. The intention of the bill was to relieve a certain description of men from penalties and disabilities; and the power of presenting to church benefices was not a civil, but an ecclesiastical right. Although the law considered that power as property, and all other dissenters from the established church were allowed to exercise it, yet he thought it ought not to be granted to Catholics without consideration.

Mr. *Windham* said, that although it might be a little strange in theory, that a man should be allowed to recommend a teacher in a church, of which he himself was not a member, he did not think that any practical inconvenience could arise from it, as the church had the means of preventing an improper person from being introduced.

Mr. *Cox* said, the House ought to attend to the prejudices of the lower classes of people, who were not capable of entering into the refined doctrines of toleration, and who, if they saw a Roman Catholic enabled to present to a church living, would be strongly impressed with the idea that parliament, and men in power, were totally indifferent about religion.

Mr. *Fox* said, he approved of the clause, but if he saw any strong opposition to it he would not run the risk of endangering the bill by insisting upon it. Supposing, what he did not believe, that a Catholic would be more likely to present an improper person than any other lay patron, the bishop of the diocese had complete power of rejecting the person so presented. He had the power of inquiring into his moral character, of examining him both as to his learning and his faith, and of requiring the strongest possible test of his sincerity. Where, then, could be the danger to the church? All other dissenters capable of acquiring landed property, Jews, and if it should so happen Mahometans, were allowed to exercise this right of property, for a right of property it was On what principle, then, either of security or of justice, were Catholics excluded? On all subjects of general toleration, it was singularly fortunate for his argument, that in this kingdom two religions were by law established. The act of union wisely provided for the security of the kirk of Scotland, as well as for that of the church of England, and gave a triumphant example of toleration by doing so. Now, it so happened, that the king, who was by law obliged to be of the church of England, often presented a minister to a Scots kirk, without any danger being apprehended from the presentation of an improper person. It might, perhaps, be said, that the two universities, in whose gift were the livings to which Catholics were not allowed to present, would object to the clause. He felt great respect for the two universities, although he had not perhaps always thought their opinion, or advice in politics, of much value, or fit to be followed.

Mr. *Pitt* said, he felt no difficulty on account of any interest which the Universities might be supposed to have in the clause. He should entertain a much humbler sense of the honour of being the representative of one of them, were he not persuaded that his constituents would have no objection to it on that account. But the clause in itself was not proper, and would obstruct the progress of the bill, which they were all so anxious to see passed. The object of the bill was to relieve those for whose benefit it was intended, from the severity of penal statutes, and exclusion of civil trust, and had nothing to do with any ecclesiastical trust. It would be a dangerous experiment, and

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such as he would not recommend to make, when no important object was to be obtained by it.

Mr. Serj. *Watson*, opposed the clause on the same ground. The king, he said, was by law, head of the kirk of Scotland, as well as of the church of England; so that the argument founded on his presenting in Scotland, did not apply.

Mr. *Fox* said, the experiment had been already tried with respect to all other dissenters, and no ill consequence had been found to result from it.

Mr. *W. Smith* said, the dissenters in arguing for the repeal of the test act, had said to the church of England, "We are allowed to exercise an ecclesiastical trust, and no danger ensues; why do you then withhold from us the exercise of a civil trust?" The answer was, "We have the means in our own hands of preventing the abuse of your ecclesiastical trust." If this was true with respect to dissenters in general, it must also be true with respect to Catholic dissenters, and an irrefragable argument in favour of the clause.

Mr. *Powys* thought the experiment might be tried without any danger to the established church. The oath was upon that footing which those who were most interested had dictated, and perhaps, might not in general be objectionable.

The clause was negatived. On the next clause, that Papists should deny the infallibility of the Pope, and absolution by Priests.

Mr. *W. Smith* thought that certain words, expressing that declaration, might be left out, because he believed that very few Papists did consider that as any particular part of their creed; neither were they so blind or ignorant as to trust the forgiveness of sins to the absolution of their priests.

Mr. *Pitt* said, that perhaps other words than those introduced in the bill might be adopted; but still, he thought, there should be some clause which went the length of extracting from the Papists an avowal, that no priest, or human person whatever could absolve sins committed.

Mr. *W. Smith* proposed, that the clause might be altered to answer the purpose, by inserting the words, "except original sin."

Mr. *Fox* rose merely to state, that in this case he thought the Roman Catholics, or Papists, as they were called, were not altogether treated fairly. The question had been argued, as if the Papists had acknowledged and avowed all the ridiculous and absurd doctrines that were laid to their charge, without ever consulting them upon their confession; and this confession had never been made on their part. In this light he must contend, that calumnies were thrown out against them which they had not deserved, and which, if the clause remained in its present state, they must still lie under. When an hon. gentleman had mentioned original sin, the observation had been treated lightly; and more so, in his opinion, than it ought to have been. In our own established church there seemed to be some acknowledgment of, and preventive against original sin, as well as amongst the Roman Catholics; one instance he would mention, which was the idea of baptism. He might not be so orthodox, or so well informed in those matters, as some other gentlemen; but on the point of absolution and forgiveness of sin, he considered an English clergyman to be just the same as a cardinal of Rome. The oath he wished to be as simple and explicit as possible, and thereby the least in danger of being evaded or misunderstood; but as including in it a religious or a political test, he could not approve of it, having often expressed his opinion to be directly against all tests, either political or religious. He was, however, so much a friend to the bill, that he would not press any alteration that might endanger its going through the House.

Mr. *Pitt* only meant, by what he had formerly stated, that some words ought to be in the oath, which obliged the person taking it as a qualification to hold an office, to say, that he did not believe it was in the power, at the pleasure or desire of any human being whatever, to grant forgiveness of sins, or absolution for any offences committed.

Mr. *Fox* said, that if gentlemen had that idea of Roman Catholics, which some seemed to have thought, it was a matter of indifference what oath was prescribed, because they supposed a mental reservation. He thought it proper to mention, that he did not entertain such an opinion of Roman Catholics, or any sect whatever; and many great countries must have suffered from such a consequence, had it existed, long before this time. Mr. Fox said, he certainly had a mental reservation upon this bill, and was not ashamed to own it, because he knew it would not go so far as it ought to do;

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and until another bill was brought in to go much farther, he would not be satisfied that justice was done, either to the Roman Catholics, or many other dissenters from the established church, whom he thought deserving, from their conduct, of the countenance of the legislature. To this bill he agreed, in hopes that a better and more extensive one, upon the principle of toleration, would soon be brought forward. If it were not, he should esteem it his duty to attempt something of the kind, though he sincerely wished it might come from a quarter of the House whence greater success might be expected to attend it. It had been said, that this bill included every person in its provisions; but he denied that it included him, or any other member of parliament, if they did not take certain oaths when perhaps they were not inclined to take any oaths at all.

The clause was then agreed to.

Debate in the Lords on the War in India with Tippoo Sultan.] April 11. The order of the day being read for the House to take into consideration the India papers on the table,

Lord *Porchester* rose and said:—The papers upon your lordships table furnish matter of so much alarm, that however unwilling I am to trespass on your time, I feel it peculiarly my duty, who moved their production, to draw your attention to the very important transactions which they contain; it is, however, a duty which I cannot discharge without reluctance, lest I should in its progress appear to impeach, in any degree, the high opinion which I entertain of the character of the noble earl who presides over the company's servants in India, and is the principal actor in the transactions to which I must entreat your lordships' serious attention. No man is more fully persuaded than I am, that the noble earl has passed a life of irreproachable honour and integrity, in the service of his country, and that, for a life so spent, no common gratitude is his due; but in whatever estimation I may hold his virtues, if I were even persuaded that he could on all occasions divest himself of the prejudices of a military education, that he could at all times moderate and temper the sensibility and ardour of a soldier, with the cool caution of a statesman, and phlegm of a financier; even if I attributed infallibility to his judgment, I must equally be persuaded that the board of control possessed all his virtues, or at least that they had from the beginning left him to the exercise of his own, before the respect I bear to his character could silence my judgment on the transactions in question. That this is not the case, many incontrovertible proofs sufficiently evince; and indeed the character and features of the transaction betray its parent: the same mischievous spirit that has availed itself of the depression of France in her political sphere, in order to embroil us with the rest of Europe, has seized the same opportunity to disturb the tranquillity of India; the same iniquitous folly that has converted the fortunate opportunity of recruiting in peace our exhausted strength, into the cursed occasion of wasting the miserable remnants of declining resources on idle and ruinous projects, has equally pervaded our affairs in Europe and Asia. It is an impolitic administration at home, and not the governor-general in India, who is the author of all this evil, and responsible for all its fatal consequences. It is not to trifling circumstances of mistaken policy; it is not to venial errors of a government involved in the embarrassing intricacies of a difficult and critical situation that I object; it is to a war, wantonly entered into, a war, whose object is mere conquest, without the resources necessary to carry it on; in violation of treaties, in contempt of the recorded policy of the court of directors, and in open defiance of the sanction and authority of the legislature.

I am well aware, my lords, that the subject I have undertaken is as intricate, as it is important; and I am equally aware, that its importance requires greater abilities than mine to do it justice. I am conscious, that without the means of seducing your attention, I must trespass much upon your patience during the progress of a dry and tedious detail, interrupted with frequent references to the documents on your table, in order to shape from the disjointed limbs of an involved and mysterious transaction, a body of proof capable of convincing your judgment. I doubt not, however, if I am so fortunate as to obtain your attention, that I shall prove all that I have asserted of this transaction to your conviction, as forcibly as it is impressed upon my own. The history of that part of India, as far as relates to the present subject, may be collected from a brief statement of the treaties on your ta-

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ble; the treaties we have concluded with the Nizam, and his conduct under those engagements, will sufficiently mark the character of him, on whose faith and assistance we now rely, and the situation in which we stood with respect to him before the present disturbances. On the 12th of November 1766, the India company concluded a treaty with the Nizam, and amongst other articles of great importance to him, we engaged to supply him with certain stipulated forces, under certain circumstances; the object of this clause was to unite our forces to his, in character of his ally, in order to invade the territories of Hyder Naigue; and accordingly in the begining of 1767, the English forces, in conjunction with the Nizam, invaded Hyder's dominions. In a very few months, the Nizam made his peace with Hyder, without giving his English allies any other notice, than that he had no farther occasion for their service, and leaving them in an enemy's country to make the best retreat they could; he left them principals in a war, in which they had entered as his allies; neither did he limit his treachery to simple desertion; before the year was expired, he joined his late enemy Hyder with 80,000 men against his late friends and allies; and, in conjunction with Hyder invaded the Carnatic, and with Hyder was defeated in September 1767, by general Joseph Smith, at Trincomaly; taught by this rough lesson, he as readily and honourably deserted his new friend Hyder, and united himself again with the English, to extirpate Hyder as a monster; having thus changed sides three times in thirteen months. For this purpose on the 23d Feb. 1768, he concluded a treaty with us, in which, with modest confidence he asserts, "That Hyder Naigue having lately invaded and laid waste with fire and sword, the possessions of the English company, and the nabob Wolau Jau in the Carnatic, it is certainly necessary for their peace, &c. that the said Hyder Naigue should be punished &c." In this treaty, he generously bestows on the English the country of the Carnatic Balla Gaut, belonging to and then in the possession of Hyder, and engages to assist them in its conquest, on condition, that as soon as they shall be in possession, they shall pay to him annually, seven lacks of rupees, and to the Mahrattas the whole chout, or one-fourth of the nett annual revenues of the country. The company likewise engage to furnish certain stipulated troops whenever he shall require them, "provided their affairs permitted it." The peace with Hyder, in 1769, obliterated all that part of the above treaty which respected the conquest of Hyder's dominions, to whom we ceded all our claim, by treating with him as sovereign of that country, leaving him in full possession, and even becoming guaranty to him for that possession: in other respects, the treaty of 1769, was a mere treaty of peace between the contracting parties, namely, the company and Hyder; and including the allies of each party as allies of the war, and nominally the rajahs of Tanjore and Travancore, as allies of the Carnatic Payen Gaut. By the second article, the company and Hyder, guaranty each other's possessions, and not those of their allies. This second article of mutual guarantee gave so much displeasure to the court of directors that in their letter to the select committee at Madras, dated the 10th of April, 1771, they say, "We cannot but consider the defensive alliance with Hyder, as a source of infinite evils, and we hope that no temporary considerations will in future time induce our servants to embarrass us with claims, the fulfilling of which may tend to wound our commercial interests, and endanger the public tranquillity, and the refusal whereof may in any degree be construed as an impeachment of our honour." Your lordships will observe, that there is not the shadow of a pretence, that any other defensive engagement was entered into by this treaty, except that with Hyder, of which the directors here so strongly complain; nor will you easily credit, that contrary to these plain injunctions, any future engagements were entered into by their servants which could produce the evils of a defensive alliance here complained of; in fact this letter of the directors was so effectual, that Hyder claimed in vain the assistance stipulated. I mention this in order to point out the important fact, that this article of guarantee and other defensive clauses so alarming to the directors, were in consequence of their injunctions omitted in the treaty of Mangalore in 1784, which was therefore a simple treaty of peace. This treaty was preceded by a war with the Mahrattas, Hyder Ally, and other confederate princes, in 1780; and this war was acknowledged to be an additional obligation we owed to our good friend the Nizam.

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This war was followed first by a peace with the Mahrattas in 1782, and in 1784, by a peace with Tippoo, commonly called the treaty of Mangalore, which was the last subsisting treaty with the chief of Mysore before the present war in India. It is necessary for your lordships to observe, that there is no treaty whatever subsisting between the company and the rajah of Travancore. Between the nabob of Arcot and the company you have two treaties on the table; the first of no importance to the present question; the last of very great importance: it is a treaty concluded by sir Archibald Campbell in 1787, and adjusts the proportion to be paid by the two contracting parties for the military, peace, and war establishments. I shall only refer to the article for the war establishment; and it professes to be, "for arranging, by a just and equitable treaty, a plan for the future defence of the Carnatic and the Northern Circars, and for discharging the expense of a war, in the event of a war breaking out in the Carnatic, or on the coast of Coromandel." The stipulated sum on the part of the nabob of Arcot is four-fifths of his revenue, to be applied "for their common safety and interests, as also for the interest of their allies in the Carnatic, and on the coast of Coromandel." Specific and limited powers are given to secure payment, to cease when the arrears are paid, and a distinct and guarded proviso, "That nothing shall extend, or be construed to extend, to deprive his highness the nabob of the Carnatic of the civil government thereof, the credit of his family, or the dignity of his illustrious house: but that the same shall be preserved to him inviolate, saving and excepting the powers in the foregoing articles expressed and mentioned."

Thus stood the affairs of the India company in that part of Hindostan with respect to treaties; and your lordships will observe, that by none of these treaties the company are bound to defend the dominions of any prince or state in India, except those of the nabob of Arcot, unless it is supposed that the guaranty of Tippoo's dominions, by the treaty of 1769, was still in force before the existing war. It will now be necessary to show the established policy and orders of the court of directors, and the injunctions of the legislature, which limited and controlled the ambition of the company's servants in India. For this purpose I must trouble your lordships with reading several extracts from general letters. I shall begin with the opinion of lord Clive, given in a letter of the 30th Sept. 1765, to the court of directors, immediately after the restoration of Sujah Dowlah. "Our restoring to Sujah Dowlah the whole of his dominions, proceeds more from the policy of not extending the company's territorial possessions, than the generous principle of attaching him for ever to our interest by gratitude."

Extract from a general letter of the court of directors to the president and council of Fort St. George, May 13, 1768.—"You will observe, from the whole tenour of these dispatches, that our views are not to enter into offensive wars in India, or to make farther acquisitions beyond our present possessions. We therefore recommend to you as soon as possible to bring about a peace, upon terms of the most perfect moderation on the part of the company, and when made, to adhere to it upon all future occasions, except when the company's possessions are actually attacked, and not to be provoked by fresh disturbances of the country powers to enter into new wars. Lord Clive soon discovered, that the extirpation of Sujah Dowlah would have broken down the strongest barrier against the Mahrattas, and therefore wisely restored Sujah Dowlah; such too should be your conduct with respect to the Nizam and Hyder Ally."

Extract of a general letter, June 30 1769.—"We must say, upon principles of policy, we wish for peace with Hyder Naigue, whenever it can be obtained on the most moderate terms; for our policy is to avoid every thing that tends to the increase of the Mahratta power, which is evidently the misfortune of this war; for you are reduced to the necessity of being yourselves the proposers of new provinces to be added to the dominions of the Mahrattas, already possessed of half the Mogul empire."

Opinion of Mr. Dupre and Mr. Hastings, 1770.—"We are clearly of opinion, that if the company were to take part with either the Mahrattas or Hyder Ally, the supporting Hyder Ally as a barrier against the Mahrattas would be far more eligible than to throw the whole power into the hands of the Mahrattas, by uniting them to reduce Hyder Ally, and add the Mysore dominion to theirs; we

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have all along thought it impolitic to the last degree to raise the power of the Mahrattas, already too great and dangerous."

Extract of Mr. Smith's minute, Fort St. George, Consultation, Feb. 18, 1770. —"Hyder Ally being the only barrier against the enormous power of the Mahrattas, should always have been considered as our natural ally; the late war against him, which cost the company so many lacks, was a war against themselves."

I shall now read to you the three first of a long string of resolutions moved by the present head of the board of control (Mr. Dundas) and unanimously adopted by the commons in 1782. 1. "That the orders of the court of directors of the East India company, which have conveyed to their servants abroad a prohibitory condemnation of all schemes of conquest and enlargement of dominion, by prescribing certain rules and boundaries for the operation of their military force, and enjoining a strict adherence to a system of defence, upon the principles of the treaty of Illahabad, were founded no less on wisdom and policy than on justice and moderation. 2. That every transgression of those orders, without evident necessity, by any of the several British governments in India, has been highly reprehensible, and has tended in a chief degree to weaken the force and influence, and to diminish the resources of the company in those parts. 3. That every interference as a party in the domestic or national quarrels of the domestic powers, and all new engagements with them in offensive alliances have been wisely and providentially forbidden by the company in their commands to their administration in India." To close this long string of proofs the legislature in 1784, gave its sanction and authority to these opinions, and these commands, by the act of the 24 Geo. 3, ch. 25, s. 34 "Whereas, to pursue schemes of conquest and extension of dominion in India, are measures repugnant to the wish, honour, and policy of this nation; be it therefore farther enacted, by the authority aforesaid, that it shall not be lawful for the governor-general and council of Fort William, without the express commands and authority of the court of directors, in any case (except where hostilities have actually been commenced, or preparations actually made for the commencement of hostilities against the British nation in India, or against some of the princes or states dependant thereon; or whose territories the said united company shall be at such time engaged by any subsisting treaty to defend or guaranty) either to declare war, or to commence hostilities. &c."

Thus, my lords, you have on your table a full view of the engagements binding on the India company under subsisting treaties; and you have just heard the peremptory dictates of the legislature setting bounds to the avarice and ambition of the company and their servants. The question, therefore, is brought to a short issue; have our possessions been first attacked by Tippoo Sultan, against whom we have waged war, or have the possessions of any prince, to whose defence we are by treaty bound, been attacked by Tippoo Sultan? If not, and it is impossible to show that either of these events have happened, nothing can make the war legal, or its pursuit less than a direct violation of the authority of the legislature, except the express commands of the board of control: and in that case, though it is within the legal discretion of the board, such orders would be in obvious contempt of the clear explicit sense of the legislature, and of the known and acknowledged interests of the company; but such orders would leave the conduct of the governor-general free from all imputation of error. The legislature, besides the interposition of its authority, has placed a still farther barrier against the dangerous ambition of the company's servants in India, by constituting a board of control to superintend and keep within its proper bounds the speculative ventures of commercial politics. The servants of the company are at this moment, men of the most unblemished characters, and they are bound down by so many positive injunctions and explicit laws on the subject of wars and defensive alliances, that it is not in their power to offend in this point; and indeed in the opening of the India budget, on the 31st of March last year, it was truly said by the head of the board of control, that "he must be a daring governor-general indeed who could so far venture to disobey instructions from home, as rashly to pursue a different course." What the nature of those instructions from home have been, which prescribed to the governor-general his course, will clearly appear from the

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papers to which I shall refer. In order to affect this, I must entreat your serious attention to the letter from lord Cornwallis to the Nizam, of the 7th July 1789. It is a letter of the most extraordinary nature, a phenomenon in the diplomatic line, and of the greatest importance. By this letter it appears beyond all doubt, that antecedent to July 1789, and long antecedent to any pretended acts of hostility, a negociation of the highest importance had been entered into between lord Cornwallis and the Nizam, in a conference with Abul Cossim, a Vakeel of the Nizam; the first sentence of the letter is the proof: for he says, "that he had received his highness's letter, and understood all the matters intrusted to the verbal communication of Abul Cossim," and he says "that he entered into a candid and explicit conversation with Abul Cossim, on subjects of the highest importance!" Amongst other possibly important points, it appears, that the conversation had turned upon a plan of taking possession of Tippoo's dominions, the Carnatic Balla Gaut, under the expired treaty of 1768; by which the parties being then at war, agreed to conquer that country, and that the possession should remain with the English under certain advantageous stipulations for the Nizam and the Mahrattas. The words in this mysterious letter, which beyond all dispute prove this act are the following; "In regard to the articles of the Dewanny, of the Carnatic Balla Gaut, your highness must be well convinced that circumstances have totally prevented the execution, and the company are in full enjoyment of peace with all the world; but should it hereafter happen, that the company should obtain possession of the country mentioned in these articles, with your highnes's assistance, they will strictly perform the stipulations in favour of your highness and the Mahrattas (namely the stipulations in the treaty of 1768), Your highness must be well assured, that while treaties of peace and friendship exist with any chief, negociations that tend to deprive that chief of any part of his possessions, unprovoked on his part, naturally must create suspicions in his mind unfavourable to the reputation of your highness and the character of the company; since the only grounds on which such negociations could be carried on, rest on a treaty existing above 20 years, the execution of which is yet unclaimed: and since no provocation has hitherto been given to justify a breach in the present peaceable and amicable understanding between each other."

The only observation necessary at present to make upon this part of the letter is, that no doubt can be entertained by any person of the extent and object of this proposal; and that, though it is not openly and avowedly accepted, it was certainly not rejected as a dishonourable proposal, which ought not to be listened to; but it is discussed, as if a decent pretence alone was wanting to its cordial reception. Can any one read the words "but should it hereafter happen that the company should obtain possession of the country with your highness's assistance," without being persuaded of the hostile inclinations to this friendly chief, who is acknowledged to have given no provocation? But having thus gently set aside this proposal for want of "provocation to justify a breach," your lordships might naturally expect, that no hostile act would be done against this approved and unimpeached friendship with Tippoo Sultan, at least in this very letter, which however before its signature quits its epistolary insignificancy, and assumes the dignity, weight, and character of a treaty, a treaty for the extirpation of this very man to whose unviolated friendship it bears solemn testimony. The orders received from the board of control admitted not the delay which waiting for good ostensible pretences of provocation would occasion; some surer ground must covertly be laid to ensure a rupture. Accordingly, under pretence of explaining some grammatical obscurities in the article of 1768, respecting the troops to be supplied to the Nizam when required, a very important alteration is made in that clause, equivalent to a declaration of war against Tippoo Sultan, especially when it is recollected, that it was made in answer to a proposal of the Nizam's to invade with joint forces the territories of that chief. The words of lord Cornwallis's letter are, "I agree that in the sixth article of the treaty, the words, 'whenever the situation of affairs will 'allow of such a body of troops to march 'into the Decan,' shall be understood to mean that the force engaged for by this article shall be granted, whenever your highness shall apply for it, making only one exception, that is, that it is not to be employed against any power in alliance

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with the company, viz. Pundit Pundhaun, Madagee Scindia, and other Mahratta chiefs; Peshwa, Ragojee Boosla, the nabob of Arcot, nabob Vizier, and rajahs of Tanjore and Travancore;" that is, in the most explicit terms, saying, that you may attack with the company's forces no person but Tippoo Sultan; and him and him alone by this alteration you may attack with the company's forces, without their express consent, whenever you are disposed so to do. The Nizam's disposition was not very doubtful, and the company's forces, being thus engaged, a choice of provocations would quickly arise to enable the company to join with their whole force. I defy the most devoted partisan of government, armed with the most blind confidence, to shut his understanding to this unequivocal proof, that Tippoo Sultan was at this moment the devoted victim. But lord Cornwallis plainly avows the motives for this alteration; for he says, in express terms that, he has confined himself to the explanation of the treaty of 1768, because the laws of his country prevented his making a new treaty; that is to say, that by the laws, without express authority, I cannot make a new offensive treaty, but I can produce the same effect under the authority I have received, by an alteration of the clause of 1768; and lord Cornwallis professes in the letter, that this alteration is made "with a view to a more perfect execution of that treaty; on this account I have not thought proper to comply with such requests by Abul Cossim, that in any shape tend to alter the spirit of that treaty." The spirit and professed object of that treaty was, the conquest of the dominions now belonging to Tippoo Sultan; and, in fact, this alteration reanimates the expired spirit of that treaty, by taking off the muzzle of restraint that curbed the warlike efficacy of the stipulated troops, and at the same time encouraging their employment in the only way they can be employed, namely, against Tippoo, by giving fresh assurances, that "should it hereafter happen, that the company should obtain possession of the country (belonging to Tippoo), with your highness's assistance they will perform the stipulations in favour of your highness, and the Mahrattas."

Notwithstanding the power now vested solely in the Nizam to attack Tippoo, according to his wish, with the forces of the company, there still remained a difficulty to persuade the cautious prudence and interested cunning of the Nizam, to act without the authority of an open and avowed treaty; it was therefore necessary to give weight and authority to this letter, which respectively refers to, and is both comment and text to the conversation with Abul Cossim, and for this purpose, lord Cornwallis says to the Nizam in this letter, "Your highness will be convinced, from the explanations I have given to those articles in the treaty of ambiguous and obscure meaning, that I am earnestly desirous of the adjustment of every matter, on grounds fair and liberal. But it is necessary, in consideration of the subjects of conversation with Meir Abul Cossim, that I should point to your highness, that unless just cause should be given for entering into new treaties, the laws of my country, the injunctions of the king and company of England, as well as the faith and honour of the English, prohibit me from entering into any negociation to make new treaties" (of war, for others he can make), "and I have confined my conferences with Meir Abul Cossim to the explanation of that made in 1768, with a view to a more perfect execution of it. On this account, I have not judged proper to comply with such requests as have been made by Meir Abul Cossim, that in any shape tend to alter the spirit of that treaty. A farther argument to impress your highness with the propriety of this determination is, the sanction and support of his majesty and the company of England, to those measures that coincide with their instructions. I have mentioned this circumstance, merely to assure your highness of the strength of my assertions, and the value of my engagements in regard to the Guntoor Circar, and the other articles of the treaty; and I trust, that this clear explanation of the ambiguous article of the treaty will render it effectual, and will afford your highness a convincing proof of the company's determination to adhere to the faith of it. Although I have not agreed to enter into a new treaty with your highness, through Meir Abul Cossim, for the reasons above assigned; yet, your highness, in consideration of the authority vested in me by the king and parliament of England, will consider my letter, though merely purporting a clear explanation of the several articles in the treaty of 1768, strong and efficient upon the English government in India; equally so,

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as a treaty in due form could be, since the members of the council have given their cheerful acquiescence to its contents." It is necessary to observe upon this part of the letter, that though lord Cornwallis asserts, that he cannot make a new treaty; he admits, that he can make a new clause for an old treaty, by which he makes it a treaty of new effect; and that it is directly contrary to the act of parliament, unless he acts under express commands: for it is become a treaty of offensive alliance against Tippoo, whenever it shall please the Nizam, and consequently is illegal; or must have been concluded under the express authority of the board of control, who have probably prescribed this mode of private epistolary treaty, to enable the Nizam ostensibly to commence the war, and prohibited an open avowed treaty in due form, in order to conceal the early steps they took to lay the foundation of the war, and the words above alluded to in the letter, to induce the Nizam to be satisfied with this novel mode of transacting business of this nature, prove this inference to be well founded. The sum of this letter is, that lord Cornwallis, by the authority vested in him, enters into a treaty with the Nizam by which he gives new powers to the Nizam to invade, with the company's forces, the territories of Tippoo Sultan, and no other person; and that he does in answer to a proposition respecting an attack of Tippoo's dominion. Let any candid man judge, what must have been Tippoo Sultan's opinion of his own situation, when he heard what had passed between the Nizam, whose character he well knew, and the English company, whose adherence to treaty he had experienced, when he claimed their assistance under that of 1769, against the Mahrattas. What must he have thought of his situation when he recollected that in addition to this prepared hostility on his northern, a very suspicious movement had some time before taken place on his southern frontiers, when, in perfect peace, a body of the company's troops, contrary to usual custom, and without cause, had marched to Travancore, and been posted in a fort of the rajah of Travancore, at Parour, in the midst of a country tributary to Tippoo, and on the southern confines of his dominions? What must he have thought, when he saw the rajah himself take possession, in force, of two Dutch forts, whose advanced position in Tippoo's territories, made it naturally an object of jealousy to him? If he had received no other cause, he must have been a weak man indeed, if he had not been convinced that it was necessary for him to be on his guard, for that "this opportunity" (according to lord Cornwallis's letter to general Meadows) "was to be taken to reduce his power."

Thus your lordships see, that a clear foundation for a rupture with Tippoo Sultan was artfully laid, in a manner that gave some hopes that it might be effected, without carrying along with it open proof of our aggression; power given to his avowed enemy to attack him with the company's forces, and that power given by a treaty in the disguise, and with the intended privacy of a letter, was deemed an infallible recipe for a war, and a salvo for the credit of the English name: but the Nizam, practised as we have seen him in every political subterfuge, was not so ready as was expected, on the faith of private assurances, and implied offensive alliances, to plunge himself into a war with a formidable enemy. The treaty therefore of partition between the company, the Nizam, and the Mahrattas, of Tippoo Sultan's dominions, was planned and determined.

It is negociated by a military man, capt. Kennaway, a gentleman, no doubt, fit for the employment, except that when general Calliaud had negociated the treaty of 1766, the court of directors observe, that "it is highly displeasing to us, and contrary to our orders, that a military officer should be alone employed in negociations of our commercial or political interests." The next obvious remark is the same which I before made to the first epistolary treaty, that such a treaty could not be entered into by lord Cornwallis, without the express authority of the board of control, and consequently it affords another proof, that it is not his act, but that of the board; for no hostilities are even asserted to have been committed against the English nation, her dependants, or allies, but the very singular word of "infidelity" (which between nations must refer to an inferior class of complaints) is substituted, conveying to the mind no overt act of hostility; and this word is not used through inaccuracy, but has been chosen after deliberation, as safer in its obscurity and insignificancy, than a clearly unfounded assertion; the allegation of hostilities is therefore studiously

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avoided. In the third article it is confessed, that no hostilities had commenced at the time of the treaty with Tippoo; for the article provides for the commencement of such hostilities thus, that "this undertaking being resolved on, it is agreed, that on capt. Kennaway's annunciation to the nabob of the actual commencement of hostilities between the company's forces and the said Tippoo, &c." And it must be observed, that our allies are out of the question upon the face of the treaty, for there is no pretence even of an infidelity to our allies, nor is the interest of any one ally hinted at in the whole treaty: The nabob of Arcot and the rajah of Travancore have as little to do with this treaty, as with our negociations with Russia. Whatever may be the infidelities which Tippoo has committed towards the three contracting parties, and however well they may be provided against, the complaints of none but the contracting parties are heard of, nor any division of the spoil assigned for the indemnity or satisfaction of others: these unknown infidelities deserve, it seems, the deepest resentment, and punishment to the utmost of the powers of the three contracting parties; though lord Cornwallis, in his letter of the 9th September, considers resentment in Tippoo of an injury, as inexcusable: resentment is only permitted to the India company, and that without bounds; but then it is sound, commercial, productive resentment, which justifies the conquest of rich dominions, and, for an injury done to our ally, enables us to put the fruits of our resentment in our own pockets.

My lords, I have proved that it has been the uniform policy of the directors, and of the legislature, to avoid wars of conquest in India, and to confine the company to the limits of their present territories, and to the management of their commercial interests. I have likewise proved, that in point of fact, we are not engaged by any treaty (except that with the nabob of Arcot, and rajah of Tanjore) to the defence of the territories of any prince or state, in the peninsula of India: notwithstanding which, I have endeavoured to show, that lord Cornwallis's letter of the 7th of July, is a treaty, planning the conquest of Tippoo Sultan's dominions with the Nizam, and that such act was unprovoked on his part; that the said plan of conquest was formed at home by the board of control; that the subsequent treaties with the Nizam and the Mahrattas are continuations of such plan, and do not even pretend any acts of hostility committed by Tippoo against the company or their allies, as the motives of the war. Here, then, I might rest with full confidence that I had proved my assertions: but as I am persuaded, that whoever undertakes the defence of this measure, must meet me with evasions and ungrounded pretences of war: and as the pretences which have been first rejected, and then adopted by lord Cornwallis, and afterwards rejected by the treaty, may probably be again resumed, I will endeavour to show to your lordships that they are totally void of foundation, and untenable in every light in which they can be considered. In doing this, I do not mean to quit the firm ground I stand upon, that the war was planned and determined before the pretences existed; but I will readily meet the question, whether the war could have been justifiably grounded upon the attack of the lines of Travancore? In that case, our attachment to the faith of treaties, and our invincible fidelity to our allies, is supposed to have drawn us necessarily, though unwillingly, into the war, as allies of the rajah of Travancore, whose dominions had without provocation been attacked by Tippoo Sultan. From the documents upon your table, I venture to assert, that not a single part of the ground upon which this defence of the war stands is tenable: I shall therefore proceed to show, that the rajah of Travancore is, in no sense of the word, our ally; 2dly, that if he had been our ally, so far from having been attacked without provocation, he was clearly and beyond doubt the aggressor; 3dly, that if he had been our ally, and not the aggressor in the transaction of the forts and lines, he had in lord Cornwallis's decided and unaltered opinion, forfeited all claim to the protection of the company, if he had ever been entitled to it; and, 4thly, that if he was our injured ally, with an unimpeached claim to our protection, we have not in the treaties for the war, said to be entered into for his protection, secured him either protection or indemnity, or in any way attended to his interest; and lastly, that the pretence is so totally groundless, that it fails in the very principle upon which it is founded; for so far from being urged into this war by the sacred and inviolable attachment to the good faith of our engagements, we have trampled upon the

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most solemn ties of alliance, friendship, and trust, in order to procure resources to carry on this war, which is justifiable upon none of these grounds.—The rajah of Travancore is not an ally in any sense of the words, certainly in no sense that binds us in obligations of mutual defence; that we have no treaty with him is admitted, therefore there can be no mutual obligations. But it is asserted, that he was included as an ally, in the treaty of peace concluded at Mangalore, in 1784: he was certainly (as an ally of the war) comprehended in the peace which concluded it; but if he was not our ally by some treaty before, or since the war, that treaty of peace between the company and Tippoo Sultan, could not have made him our ally, or given him any claims as such. He was not even a contracting party, and therefore, neither could have received nor given any pledge of alliance. We, as principals in the war, procured for him peace, but we contracted no farther; and so much is this the doctrine of treaties in India, as well as in Europe, that in the treaty of 1769, with Hyder the rajah of Travancore was equally by name included as an ally of the war, to a participation of the peace which terminated it; but when in the second article of that treaty we proceeded to offensive stipulations, the contracting parties were alone comprehended, and not the allies; and the directors complained, (in the letter before alluded to) of this deviation from their orders. The directors certainly never suspected that the defensive article with Tippoo was not the only article which embarrassed them with claims, they never suspected that they in fact, by the present doctrine, guaranteed for ever the possessions of every prince, whose name was inserted in that treaty of peace as their ally; and that they did so without being entitled to any thing in return; for the allies not being contracting parties had not acknowledged the contracting parties as their allies, and entitled them to all the privileges of that appellation, whatever they may be. The claim of allies, under the treaty of Mangalore, if possible, is less than that in 1769; because the negociators of the treaty of 1784, acting in obedience to the injunctions of the directors and of the legislature, and remembering the complaint made by the directors, in 1769, just cited, cannot be supposed to have intended to convey any claims of the embarrassing nature above stated; and you have but to read the treaty of 1784, to be persuaded that it contains in fact no defensive article, or engagement whatever. But the allies of the war, as before, are included in the peace; it is impossible to guaranty the continuance of peace; peace is too volatile to be bound in chains; it is of too subtile a nature to be ensured by force of arms: it is destroyed by the very attempt so to preserve it. The loss occasioned by the infraction of peace, can alone be the object of guaranty; such a clause of guaranty may be inserted in a treaty, but it is not of the essence of a treaty of peace; otherwise all the nations of the world who have been once at war, would be bound in a perpetual guaranty of each other's possessions. All this appears to me to be obvious to plain and unlettered sense; but let us hear how the learned writers on the law of nations explain the engagements to an ally, included in a treaty of peace. Vattel, book IV. chap. II. page 119, says, "The principal party in whose name the war was made, cannot justly make a peace exclusively of his allies; by comprehending them in his treaty, all he can require of his reconciled enemy is, not to attack his allies on account of the succours they furnished against him; not to molest them, but to live in peace with them, as if nothing had happened." In page 121, he says, "The effect of the treaty of peace is to put an end to the war, and to abolish the subject of it; it leaves the contracting parties without any rights of committing hostilities, either for the very subject which kindled the war, or for what has passed in the course of it: it is therefore no longer permitted to take up arms for the same cause; accordingly, in these treaties, the parties reciprocally oblige themselves to a perpetual peace, which is not to be understood as if the contracting parties promised never to make war on each other for any cause whatever. Peace relates to the war which it terminates, and as it forbids the several parties of the same war taking arms for the cause which at first kindled it, is in reality perpetual peace on that subject; claims founded on a debt, or an injury prior to the war, but which made no part of the reasons for undertaking it, remain entire, and are not abolished by the treaty,"—Page 128, "It is of great importance that a new war should be distinguished

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from the breach of a treaty of peace, the rights acquired by such treaty still subsisting, notwithstanding the new war: whereas, they are annulled by the breach of the treaty on which it is founded." It appears clearly by these references, that there is not the smallest ground for supposing, that an ally included in a treaty of peace could be entitled as such, to a guaranty of his property; even if it was not obvious, that the policy of the company prohibited in this case the supposition, that such construction was on their part intended; and the rajah of Travancore on his part can have no claim in natural justice to such construction, for he is not a contracting party, and is bound to nothing: but he is still less entitled to it in the character of an ally of the Dutch; he himself confesses in his letter to Mr. Hollond, the 2nd July, 1789, that he and the Dutch are bound to assist each other mutually in case of being engaged in warfare, and the president informs Mr. Hollond, on the 26th June, 1788, that an offensive and defensive treaty had long subsisted between the rajah and the Dutch. The rajah of Travancore, therefore, being under no engagements by treaty to our defence, is bound under this offensive and defensive alliance with the Dutch, to attack us whenever we shall be at variance with his contracted allies, the Dutch; but if it was possible to suppose, that we were bound to defend him, who is in no case bound to defend us, and in some cases engaged to the Dutch to attack us, yet it would pass the bounds of ignorance to suppose, that the specific case in which such claim could arise, was in a difficulty incurred by a dispute sold to him by his allies the Dutch, together with two forts. It appears therefore, manifest, that the rajah of Travancore is not an ally of the English entitled to defence, that he is the ally of the Dutch, whose duty and whose subsisting interest it is (from the situation of Cochin) to defend him; and yet such is the strange and unjustifiable conduct of the board of control, that they assert themselves to be bound by honourable engagements to defend him in all emergencies; and having a treaty of alliance in 1769, and of amity in 1784 with the chief of Mysore, they will not suffer him even to defend himself against the increasing power of his neighbour in the heart of a country dependant upon him; and yet this same government are at the same moment involving the country in another war, to prevent the growth of the Russian power, by the acquisition of an unimportant fort on the banks of the Nieper. After Tippoo Sultan had commenced hostilities against the Dutch, and had summoned the fort of Cranganore, then in possession of the Dutch, the rajah marched troops to the defence of the Dutch, and manned the forts with his troops. This act of interference, as an ally of the Dutch, exposes him in that character to the consequences of just war, without any imputation on Tippoo Sultan as being the aggressor, unless it is contended that an ally may strike a blow without exposing himself to a return of hostility: this act of the rajah would have justified Tippoo Sultan, if he had in consequence of it invaded the Travancore country: but the rajah did not content himself with remaining an ally of the Dutch, he purchased the war with the disputed forts from the Dutch, and made himself a principal instead of an ally. The purchase of forts on the frontiers of any power, must naturally give him umbrage, and by the law of nations would justify his resistance to that change of relative situation, which lord Cornwallis admits this purchase to have produced, and to be on that account, justly offensive to Tippoo Sultan; this offence lord Cornwallis admits still to remain on the 13th November, after he began to view the transaction in the most favourable light for the rajah: but if just cause of offence remained, be it ever so small, in what way is it to be settled between sovereign powers, but by force, or by the very mode of reparation repeatedly urged, and urged in vain by Tippoo, namely, that things should be restored to their former inoffensive state. Lord Cornwallis when in his letter of the 13th November, he speaks most favourably of the rajah of Travancore, respecting the affair of the forts, seems to have forgot the grounds of the dispute, for he gives as a ground for his more favourable opinion, that if the Dutch held the forts independent of the rajah of Cochin, or of Tippoo, they had an undoubted right to sell to whom they pleased, and that Tippoo could not, in that case, justly claim the possession or allegiance of these places. Certainly that argument would have had some weight, if the object in dispute had been the right of possession, as between Tippoo and the rajah, or the right of allegiance: but neither of these is the case; for whatever claim to the al-

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legiance of the forts Tippoo maintains, he does not demand it of the rajah, but he insists with the natural jealousy of a neighbouring prince, not that the forts should be given up to him, or allegiance rendered to him by the rajah, but that they be restored to the Dutch, to be held as they were held before. If ever there was a just cause of war, besides that of defence, it is in order to prevent a change of the situation of a rival power, which endangers your relative security. The rajah of Travancore, therefore, if he had been our ally, appears clearly to have been the aggressor, in either point of view.

My lords, I shall now endeavour to show that the rajah of Travancore has done all those acts, which, in lord Cornwallis's judgment, would induce a forfeiture of the company's protection. Lord Cornwallis in his letter of the 29th of Sept., 1789, says, that "if the rajah of Travancore makes any new connexions with the Dutch, or the rajah of Cochin, it will justly be deemed an infraction of the treaty; and in particular if he interferes in any manner whatever in the disputes between Tippoo and the rajah of Cochin, who is his acknowledged tributary, he will justly draw Tippoo's resentment upon himself, and at the same time forfeit all right to the company's friendship or interference in his favour." The sentence is solemnly pronounced by lord Cornwallis; it remains only for me to prove beyond donbt, that he is guilty of both these facts, and the penalty of the judgment must attach. He has been guilty of an infraction of the treaty of Mangalore, by entering into new engagements with the Dutch since that treaty; the rajah admits that he has a treaty now with the Dutch, and the resident in his letter of the 26th June, 1789, says, he saw the governor of Cochin's letter, claiming the rajah's assistance for the forts under the treaty between them: I have only to prove that this treaty is made since the treaty of Mangalore; for lord Cornwallis says, that any new engagement would be an infraction of that treaty. The rajah was at war with the Dutch in 1780, being united in a league with us against the Dutch, which continued until the peace of Mangalore; therefore, whatever amicable engagements subsist between him and the Dutch must have had their origin since that treaty, and he has acted under those new engagements by manning the Dutch forts against Tippoo: he has therefore been guilty of an infraction of the treaty of Mangalore. It likewise appears clearly, that he has had connexions with the rajah of Cochin, and interfered in the disputes between the rajah of Cochin and Tippoo, from Mr. Powney's letter, of the 1st July, 1789, where the minister of the rajah of Cochin residing in Tippoo Sultan's court, is stated as holding the correspondence of a spy, with the rajah of Travancore, considering him as having common interests with the rajah of Cochin. It appears also, by Mr. Powney's letter of the 3rd July, 1789, that a subidar, in the rajah of Cochin's service, and having a command in Tippoo Sultan's army, had deserted from Tippoo, and was received by the rajah of Travancore, and his intelligence (hostile to Tippoo), is relied upon by the rajah of Travancore, on account of his long service and attachment to the rajah of Cochin, which is considered as a proof of equal attachment to himself; and it appears by Mr. Powney's letter, June 20th, 1789, that the rajah of Travancore held direct correspondence with the rajah of Cochin himself, to the prejudice of Tippoo, and hostile to his interests. The rajah of Travancore, therefore, has, according to lord Cornwallis's opinion, forfeited that protection, and deservedly incurred Tippoo Sultan's resentment. It is obvious to the slightest observation, that this affair of the lines is not only a frivolous pretence, destitute of the least colour, but that, in fact, they have not acted upon it. Let any person, persuaded that we are now engaged in a war to protect the territories of the rajah of Travancore, as our ally, and to resent the wanton injuries done to him, read the denunciation of war against Tippoo, in the treaties with the Nizam and Mahrattas, and then say that he has not been deceived in crediting the affair of the lines to have been the ground of the war. The rajah of Travancore, whose injuries are supposed to have provoked the war, is not even a contracting party in the league; neither his name, his injuries, nor his interests, are recited, or in the most distant manner alluded to, in the treaty professing to punish Tippoo Sultan for the wanton attack of the property of the rajah of Travancore No cause of complaint is stated in this denunciation of vengeance against Tippoo which can be tortured to imply the attack of our ally the rajah of Travancore. The word ally is not even to be found in the

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treaty, any more than his name. No protection for the rajah of Travancore is stipulated? his troops are engaged, and his dominions exposed to the hostilities and resentment of Tippoo Sultan, without any provision for their restitution.

I now come to the last point upon which I mean to trouble your lordships, which is the principle upon which all this frivolous pretence rests, namely, our inviolable attachment to the faith of treaties; and I confess it appears to me, that a greater insult to our understandings, than the production of this principle in support of the measure adopted, cannot be imagined. The war has scarce been proclaimed, before our most ancient friend and ally, the nabob of Arcot, has been called upon to supply four-fifths of his whole revenue, though, by the treaty, that contribution does not take place, except in the event of the war breaking out in the Carnatic, or on the coast of Coromandel, which has not happened unless the blind adherents to government are ready to decide, that Travancore is the Carnatic, and the western coast of Malabar is the eastern coast of Coromandel. The same objection holds if the war is, as I assert, a war of mere conquest, and not breaking out on the coast of Malabar. The 9th article of the treaty with the nabob equally forbids the application of his revenues to any war not breaking out as above stated, and "for the common safety and interest of the company and nabob, and their allies in the Carnatic and the coast of Coromandel;" and it is particularly stipulated, by the 15th article that, whenever the nabob's interest shall be in the least concerned in any treaty, his name shall be inserted in such treaty. It is manifest, beyond all contradiction, that the war, in no view of it, broke out in the Carnatic, nor on the coast of Coromandel, and that it is not even pretended that it is for his interest any where; for neither his name, nor his interest, is mentioned or alluded to. But it must be observed, that if they had, without his consent, made him a party in this treaty, it would have been equally a breach of faith to him, and breach of trust; for the contributions for war stipulated by sir A. Campbell's treaty, are limited to the defence of their joint safety and interests in the Carnatic, on the coast of Coromandel, and the Northern Circars, and no where else. The company, therefore, have unjustly required four-fifths of the revenues of Arcot, to waste it on their own ambitious projects, in which the nabob has not the shadow of an interest, and they have not confined themselves to an unjust requisition, nor have they waited for the failure in the payment of the four-fifths, which they were bound to do, even if the demand had been just. Before the first kist becomes due, according to their own estimate of the operation of the treaty, they judge it not prudent to wait for such failure; and even then, instead of being contented with anticipating the failure, and having recourse to the remedy stipulated by the treaty for such an event, they decide that the treaty itself was a bad one, and embarrassed and controlled their proceedings too much, and that, consistent with the interest of the company, it would be impolitic to be constrained by it; and therefore, in open and acknowledged violation of the treaty, they break every stipulation for the interest of the nabob and the preservation of his sovereignty, honour, and dignity; and exact, with the utmost rigour, all clauses beneficial to the interest of the company. The facts I have alluded to are proved, beyond a doubt by the following extract of a letter from Fort St. George, dated 16th Sept. 1790, "We proceed to remark on the insufficiency of the stipulations, provided in sir Archibald Campbell's treaty, to secure the regular receipt of four-fifths of the nabob's revenue, agreed to be paid into the company's treasury in case of a war. We pointed to his lordship the impolicy of depending for our principal resources, at a time when the greatest exertions were necessary, upon the operations and management of the nabob's government. We did not hesitate to declare it as our unqualified opinion, that the government ought, during the war, to take the nabob's country under their own management, and affording the only means by which the resources to be desired from it could be realized. If your lordship, in council judges proper finally to decide, that we must adhere to the treaty, we shall do our best to render it efficient, although our opinion of it cannot authorize expectation of a favourable issue. The nabob positively refuses to assign over his countries; and his highness proposed, if we would assure him no steps should be taken which should cause any change in his government, he would stretch his credit to the highest pitch, in order to give us satisfaction. We acquainted him with the disagreeable alternative to which his

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conduct has reduced to us, namely, to assume the management of his country without his consent. In reply to this notification, his highness thought proper to repeat his accusations, in the most pointed terms, of this board having acted violently and precipitately, and having misrepresented the state of affairs, and directing, "that, in case the company's people should attempt, in violation of the treaty, to interfere in dismissing or removing his public officers, or otherwise subverting the rights of his government, they should not submit to the agents sent by the board." The nabob, in a letter of the 18th March, 1790, to major-general Meadows, says, "I do not see under what idea of necessity my friends should at this time incline to a war, which must cause a most enormous expense. No doubt that this has been determined upon after the greatest consideration and deliberation, and with every attention to our future welfare and protection, as the consequences of war to my country, and the inhabitants, which have not yet recovered from the distresses of the last war, must be much distress. I therefore hope that this will not be prolonged; and as a very great share of the expense will fall on my shoulders, I trust that you will admit me to a participation of whatever advantages, by the favour of the Almighty, may accrue therefrom, in an equal proportion." The following is an extract of a political letter, fol. 22. "We adverted to the following extract from the orders of the supreme government, under date of the 21st of June:—We need not conceal from you that the resources of Bengal, exhausted as they are, by drains of various kinds, during a long series of successive years, could not even, with the aid of the utmost punctuality in his highness's payments, either according to the terms of the treaty concluded with sir A. Campbell, or those of the propositions made to him by the court of directors, to which he has lately acceded, long support such expenses as those with which the present war must unavoidably be attended without being reduced to great extremity of distress. Therefore, we think it our indispensable duty to authorize and direct you to take effectual measures, in as delicate a manner as may be possible, to put the company into immediate possession of the management of his highness's revenue and country."

I need not make any other comment, upon this miserable consequence of a war professedly entered into under pretence of good faith, but that, if we owed any attention to the interests of the rajah of Travancore, because we had once called him our ally, it ought not to have been paid at such an expense of good faith, of gratitude, and justice, due to our friend and ally by treaty, the nabob of Arcot. It is not, however, this faithful ally alone, who has reason to complain of the breach of treaty, misapplication of his revenues, and neglect of his interests; the India proprietors themselves are plundered, by this war of conquest, of their investments or at least a large portion of them, which (if, after paying the dividends, there existed a surplus) should have been applied to the diminution of their debts; instead of which, their property is applied to the conquest of territories, which, next year, may belong to the state. At the eve of the expiration of their charter, when they must liquidate their accounts, the board of control, trustees of their interest, appointed by the crown, apply the wealth of a commercial company in ruinous projects of conquest, whose greatest success may add wasted territories to the state, and additional debts to the company; and if the company should prove (as they will) unable to answer the demand, the burthen of this ruinous Indian project will, together with the expenses of the vain and unproductive war of Nootka, and the equally uninteresting war of Oczakow, contribute to the miseries, and hasten the ruin, of this exhausted country. The known character and virtues of the gallant general who commands, ensures as much humanity as the bloody trade of war admits; but still it is a war whose origin is detestable, and whose final result cannot but be ruinous to the company's interests. His lordship then moved: 1. "That schemes of conquest, and extension of dominion, in India, are measures repugnant to the wish, honour, and policy of the nation.—2. That there appears to be no just cause for a war with Tippoo Sultan, nor for the treaties of partition of his dominions, entered into with the Nizam and the Mahrattas; and that the war, even if attended with the utmost success, cannot prove advantageous to the East India company's affairs in India.—3. That it is the opinion of this House, that it is the duty of the directers of the East India company, and of the board of control, to transmit such orders to the com-

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pany's servants in India, as may most speedily procure peace with Tippoo Sultan, on moderate and equitable terms."

Lord *Rawdon** said, that however highly he approved of the first resolution, he could not but wish to remove any imputation, which might seem to be thrown on the conduct of lord Cornwallis in the present business. From what had been said, an implication might be drawn, that, by engaging in a war, before it was alleged that hostilities had been commenced, he had contravened an act of parliament. To every man in high command, some degree of credit was indispensably necessary. For lord Cornwallis he should demand much more—the confidence to which he was entitled by approved abilities and tried worth. Upon the general ground on which this war was supposed to stand, he certainly must reprobate it in the strongest terms; for a scheme of conquest, for the extension of territory, was not only held generally as an improvident act, but particularly so in India; and, therefore, till he heard another cause stated and supported, as far as could be, from the information received from India he should certainly maintain the opinion he now held respecting the cause of the war. It could not with much consistency be assumed as a principle of our government in India, to preserve, in its transactions, all the delicacy of appearances. That government was founded in injustice and had originally been established by force. To remove the impressions of such an establishment must be difficult: to acquire a confidence which our first acts had tended to destroy, seemed almost impossible. Apprehensions must be entertained by the native princes, of a power which they had not known except for injustice. The empire which had been erected by force, could not stand on the foundation of confidence. War must be the inevitable consequence of our situation in that country, since we had provoked, by our injuries, the resentment of every prince who lived within the atmosphere of our power. Was it ever intended that any part of India should be under the government of Great Britain? It was an equitable doom attached to the situation of Great Britain, that she must defend herself by her own strength in India, and not by the strength of her allies. The princes of the country, indeed, might occasionally aid our enterprises, in order to share the spoils, but could never cordially join in our views, or enter into our attachments. An imputation had been thrown out, rather indiscriminately by the noble peer. Military men, he said, were fond of war, in order to have an opportunity of displaying their talents, and signalizing their services. This, however, he was apt to think was not the case. Military men who were best acquainted with the difficulties and uncertainty of war, were most cautious of encountering its perils, and apprehensive of its event. His lordship declared, that no man could reprobate an unjust war more strongly than he did. It must always be regarded as a calamity to mankind; and no man ought ever to harbour a wish for it, although, when the country demanded it, he should feel the highest joy and alacrity in obeying the order. Nobody was less desirous of war than he, while he felt himself ready to renew the services which he had already devoted to his king and country, whenever they should be again required. To take up arms in India, in the present situation of affairs, was certainly not desirable; nor could the government of the country, who must have been fully sensible of the numerous difficulties they had to encounter, be supposed to have willingly engaged in hostilities. The war, which now subsisted was a serious calamity. Whether favourable or adverse, it was no less the subject of deprecation and regret. It was attended with an enormous expense, which could only be raised by means the most disadvantageous. If successful, he did not see what benefit could result; if otherwise, the certain consequence was ruin. The conduct of lord Cornwallis was entitled to much respect and confidence. If he was the author of the measures now pursued in India, it was not to be doubted that he could assign different reasons for the part which he had found it necessary to act, from those which appeared from the papers. If it was not a war of lord Cornwallis's, but had taken place in consequence of directions from the board of control in this country, it was surely impolitic; as it had not then originated from the pressure of the occasion, the only motive on which war could at all have been justified. With regard to the present war, wherever it originated, he had little doubt of its proving the superiority

* The present marquis of Hastings, governor-general of India, [A. D. 1817.]

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of the British arms; but, whether successful or not, the immense expense of it must ultimately prove a very distressing circumstance to this country. Tippoo Sultan was, no doubt a formidable neighbour; but he did not know whether the apprehension of hostilities, on his part, justified our plunging into a war with him, without giving time for negociation. It was the saying of an able, but a profligate general, Philip 2nd, "time and I against any other two:" a maxim which he wished we had adopted in India. From whatever motive we had been induced to commence war, we certainly had not engaged with the circumstance of time in our favour. The board of control, if they were the authors of the war, had, from a fear of threatened hostilities, involved themselves in the very calamity which they so much dreaded. The great object of the government of India, he conceived, ought to be to preserve the tranquillity of the country, and secure the advantages of its commerce. He therefore approved of the first resolution; but with regard to the other two, he thought they might furnish subject of future debate.

Lord *Grenville* said, he would second the first resolution, if he conceived it necessary again to record principles which were already sanctioned by parliament, and subsisted in full force. But these principles were, on this occasion, only brought forward to introduce the violent censure that followed on the government in India, and the measures now pursued in that country. If it had been true, that the government at home, or that the board of control, had been rash enough to send out orders for lord Cornwallis to engage in a war with Tippoo, they would undoubtedly have deserved censure; but so far from orders being sent out, the direct reverse was evident; indeed, it was impossible, from the nature of thet hing, that orders could have been sent out, because the war had broken out suddenly. The war had been entirely the consequence of events which had taken place in the country where it originated, and had been produced by the pressure of immediate circumstances. But he was ready to declare for himself, as well as for those with whom he had the honour to act, that, if there had been time for orders to have been sent to India, government would have sent out the very orders which lord Cornwallis had given for the conduct of the war. He would state shortly the grounds on which he conceived the war had been undertaken, and upon which the conduct of the governor-general was not only justifiable, but highly meritorious, in undertaking it, and in prosecuting it with vigour. In the first place, he wished to observe, that Tippoo Sultan's attack on the lines of Travancore must be considered as an aggression on this country, and that therefore the war ought to be prosecuted with vigour against Tippoo. The origin of the war was an attack, on the 29th Dec. 1789, on the lines of Travancore, and from that moment the governor-general resolved to prosecute the war with vigour. The rajah of Travancore was undoubtedly the ally of Great Britain, and one we were bound to protect. At the conclusion of the last war, when we were deserted by all the native princes, he alone remained our friend, and had it in his power to render us the most essential services. In those treaties in which he was included, Tippoo had expressly stipulated not to attack him as our ally. Could it then be alleged that we were not required to assist him, whose possessions we were bound to defend, and whose security we ought to guard? Could it be said, that we ought not to oppose an attack, depriving him of the most useful and important of his possessions, and which laid open our own territories to inroad and violence? On the part of Tippoo Sultan, the attack had been perfectly unprovoked. Tippoo pretended that the two forts of Cranganore and Jacottah were the cause of it, but this was clearly mere pretence. His real intention was to make himself master of the Travancore country, which might be considered as the key to the Carnatic. The government of Bengal had justly considered this conduct of Tippoo Sultan as an infringement of the treaty of Mangalore, that had been entered into by him and the company in 1784. Was it not proper, therefore, for the Company to adopt measures for their own defence, and for that of their ally? It had been stated, that there was no subsisting treaty between the rajah of Travancore and the East India company. This was very true; and yet the rajah had always been considered as a faithful and an important ally to Great Britain. Many of the greatest generals and officers who had served in India, had spoken in high terms of the attachment of the rajah of Travancore for the East India company. His lordship contended, that the

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rajah was included in the treaty of Mangalore. After such proofs of attachment, it was not very extraordinary that he should be considered as an old ally of the English, and that they were bound to protect his territories.—The noble lord next proceeded to state the demands which had been made on the rajah of the Travancore country by Tippoo Sultan. Those demands had been three in number. The first demand made on that prince was that he should deliver into the hands of Tippoo Sultan, certain rajahs and princes, whom Tippoo conceived to be natives of his country, and who had fled for protection into the country of the rajah of Travancore. The rajah of Travancore was a prince independent of Tippoo Sultan, and therefore Tippoo had no right to make that demand. But the rajah told him, that, although these princes were of his own cast, although they were of the rajah's own nation, and his own relations, who had taken refuge in the country, yet, to please Tippoo, he had ordered them to leave the country. Tippoo said, he was astonished at the answer. Was he astonished at the compliance of the rajah? Or was he astonished at the indifference of the British government in allowing their ally to be so treated? No; his astonishment was of a very different sort. He was astonished that these rajahs were not delivered into his hands; into the hands of the most merciless tyrant that ever stained the annals of humanity. The second demand made by Tippoo, were the forts of Cranganore and Jacottah. Those forts appeared to have been possessed originally by the Portuguese, who had got possession of them about the year 1500; and about 1550, or 1560, the Dutch conquered them from the Portuguese. The Dutch had held them ever since; not as tributaries, but in full and absolute right, as complete sovereigns. Upon that ground the Dutch had a right to sell them, and the rajah a right to purchase them. It was extraordinary, that, at the very moment Tippoo was complaining of the Dutch, that they had not a right to these forts, he was himself carrying on a negociation with them for their purchase. The next demand made by Tippoo, related to the lines of Travancore, which were in the territory of the rajah of Cochin, a tributary and a dependent on Tippoo. Tippoo had declared, that the rajah of Cochin had been his tributary fifty or sixty years. His lordship observed, that when one considered the history of Tippoo, and of his father, it was not very easy to conceive how it was possible the rajah, or any other Indian prince, could have been his tributary for so long a time. Tippoo proved that the rajah had been his tributary sixty years by the rajah himself proving he had been dependent on him for only five and twenty years. In the treaties both of 1769 and 1784, the name of the rajah of Travancore had been included; and in those treaties it was stipulated, by Hyder Ally in the one, and by his son in the other, that they should not attack the territory of the rajah of Travancore. All these demands of Tippoo Sultan, his lordship said, were clearly unfounded.—At the very moment when Tippoo had pretended to wish for peace, and was carrying on a sham negociation for that purpose, it was evident he only wanted time to collect his forces, and to prepare for war; and in a few days after he actually did collect them, and began the war. How, then, was it possible for the government of Bengal, if they had any regard to the honour and dignity of Great Britain, to refrain from carrying on war against such an unprincipled and deceitful tyrant?—In the course of his speech, his lordship lamented the death of sir Archibald Campbell, one of the ablest, honestest, and most upright servants of the company. Sir Archibald, he said, had ended a most honourable life, and was no longer in a situation of enjoying what would have been to him above all things gratifying, namely, the approbation of both Houses of parliament.—From the evidence that lay before them, which was all the nature of the thing would possibly admit of, it was clear that the war had been necessarily and justly undertaken. When Tippoo attacked the lines of Travancore, they must have considered him as actually at war. He was the avowed and declared enemy of the British name. Besides the other considerations which he had mentioned, it was incumbent upon us, in point of policy, to oppose the progress of Tippoo. The lines of which he wished to obtain possession were of the greatest consequence. An experienced officer, general Smith, had declared, that we ought to defend them with as much firmness as the gates of Madras. It was not the intention of government to exterminate Tippoo, but only to support its own allies. They had been charged, in their conduct, with inconsistency; but though

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they might have varied their mode of acting, they proceeded upon the same principle.—But it would not be sufficient for the House to satisfy itself with a bare negative on the three resolutions that had been moved. That would be dangerous to our possessions in India, and would soon put a period to all subordination and government in that quarter of the globe. It was not only necessary that punishment should be held out to guilt, but that protection should be held out to innocence, and reward to merit. If this was not the case, it would not be easy to find people ready to take upon them the government of India. They might, perhaps, find some avaricious men, who might go to amass money at the expense of their character, but who would pay no regard to the interests of those over whom they presided. It had been his lot sometimes to defend his own conduct, and that of those with whom he was connected in politics, but he was then defending an absent man. He had no personal knowledge of lord Cornwallis; he only knew him from his public conduct, which he highly revered. From a state of ease, affluence, and honour, equal to that of any subject of this country, the noble lord had undertaken the government of India, on condition, that on no circumstances whatsoever he should remain there above a certain term. When that term had nearly expired, and when arrangements had been made for his return home, a war had broken out. This determined him not to quit his situation at so dangerous a juncture. He delayed his return to his native country, the better to chastise this free-booting tyrant, and preserve our Asiatic property, and our Asiatic friends from his plundering army. The noble lord had left Bengal and gone to Madras, the place where the danger was, and nobly took upon himself the conduct and responsibility of the measure. When he found, on his arrival at Madras, a brave and gallant officer, that was equal to every emergency, his lordship had returned to Bengal, but still resolved to remain in India till peace was restored. Lord Grenville thought, after this, he might take the liberty to ask their lordships, what possible view lord Cornwallis could have in making war with Tippoo Sultan, after he had grossly injured the allies of the company, but that which justice, the faith of treaties, and the honour and dignity of the British name rendered indispensable? Would any noble lord take upon him to say, that it would be just to pass a censure on this man? Would they think it prudent to pass resolutions against a war, when the very principles on which it took place were highly meritorious, and when our prospects were to secure the possession of our Indian property, and not, as the noble lord stated, to increase our territory? After the resolutions of the noble lord had been disposed of, he should take the liberty to move three resolutions similar to those moved in the House of Commons, approving of the conduct of the governor-general in prosecuting the war with vigour.

The Earl of *Lauderdale* said, his ideas differed widely from the positions laid down by the noble secretary, who, instead of meeting the motion fairly, had come forward with a panegyric on lord Cornwallis, in which, no doubt, every one would agree, although that opinion never could justify the manner in which ministers treated that House and the country, by calling for approbation of conduct, which they refused to give any account of. For his part, he thought they would have been ashamed, in the present situation of the country, to have supported any line of conduct that tended to increase the burthens of the people, far less to move for approbation to themselves, upon beginning an expensive and destructive war, at a time when the resources of the kingdom were now known to be in a very different situation to that which had been held out to deceive the public for some years back. With regard to the war in India, the noble secretary, instead of giving a full and true statement of the point at issue, had thrown every thing upon the popularity of lord Cornwallis, who was absent, and sir Archibald Campbell, who was now no more; by these means at once throwing off responsibility from themselves, for orders sent from home. He contended that it would have been much fairer to have stated facts only, than to have rested so much upon authorities that could not be brought before the House.—The noble secretary had said, that the rajah of Travancore had acted by the advice of sir A. Campbell: the papers on the table contradicted that assertion. He then argued against the necessity of our plunging into a war, merely on a pretence of being bound by treaty to assist the rajah of Travancore, and asserted, that the Dutch had no

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independent right to dispose of the two forts of Cranganore and Jacottah. They might as well sell all the frontier coast of the country, and place an ally in such a situation as to make it impossible for him to avoid a war. When the noble lord had stated, that Tippoo demanded his rebellious subjects from the rajah of Travancore, he misstated the fact, since the rajah, in his answer to Tippoo Sultan, first asserts a falsehood, telling Tippoo, that he had no subjects of his in his dominions. The noble lord had asked, "where was there any page in the law of nations, that said a nation, in alliance with another, was not to defend that other when that other was attacked?" In answer, he would ask, "where was the page in the law of nations, in which it was stated that one power was to guarantee another, after that other has, by improper conduct, changed its relative situation, and given just cause of jealousy to the neighbouring power?" Were there not instances enow of conduct on our part in India, to stir up every native power in that quarter of the globe to arms? There were two powers in India worth our cultivating, Tippoo Sultan and the Mahrattas; and of those, the former was the most desirable for us to form an alliance with. We were acting against Tippoo in India, just as we were going to act against the empress in Europe. Tippoo attacked the forts to which we laid claim, and we carried the war into the centre of his dominions; so, in Europe we complain of Russia's persisting to keep Oczakow, and, instead of endeavouring to recover Oczakow, we were about to send a fleet up the Baltic. He asserted that we deserved the whole blame of the war in India, and not Tippoo, who had acted naturally, and as his interest rendered necessary. Nor was it, he said, to be supposed that Tippoo would choose that hour as the most fit to attack us, in which he was least able to defend himself, and we were the most powerful. As to the Dutch, it was well known that they were a cunning, intriguing, and interested people, and would sell their frontier forts, no doubt, to occasion war amongst the other powers, the sole advantage of which would be theirs; but for us to defend that, which we knew must be very aggravating to Tippoo, was certainly imprudent and unjust, as every war must be reckoned, which was brought on without any real injury done, or insult offered, either to ourselves or our allies. Much had been said about Jacottah and Cranganore belonging originally to the Dutch; but he asserted, that they did not belong to them independently, because they were undoubtedly tributary to the rajah of Cochin. In short, he insisted that the pretences for going to war with Tippoo were highly unjustifiable, and ill grounded. Before he sat down, he begged to warn their lordships against the motions which it had been stated by the noble secretary of state that it was his intention to propose. Those motions he reprobated as an insidious attempt in ministers to take their lordships by surprise, and to induce the House to pledge themselves to support the war.

The Marquis of *Lansdown* began with complimenting lord Porchester on his speech, and declaring that he gave the strongest faith to almost every one of the principles laid down by the noble lord, and by those other noble lords who supported the resolutions; but he begged to have it understood, that he meant the principles they had stated, and not their opinions, for there was, he said, a material difference between the two. He could concur, he said, in almost every one of their principles, but must at the same time, on account of those very principles, decline voting for the resolutions, because those principles proved the resolutions to be unnecessary, inexpedient, and unjust. The resolutions amounted to a very strong censure on lord Cornwallis, and he took it to be rested on three distinct grounds, one the war, the other the partition treaty, as it might be called, and the third the conduct of that war. He declared, he did not think lord Cornwallis would abide by the papers on the table. Averse as he was to the extension, or even retaining a great part of our empire, there might possibly be reasons of which their lordships at present knew nothing, because they were not before them, which when they were known, might show that the war was just and unavoidable. What made him inclined to think that nothing but the strongest necessity would have induced lord Cornwallis to enter upon the war was, that he all along in his letters deprecated the evil of war, and expressed himself in the strongest and clearest terms, as being fully of opinion, that no advantage we could expect to gain could equal the mischievous consequences that must follow our

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engaging in hostilities, circumstanced as we were at present. In proof of this, the noble marquis read several extracts from the letters of lord Cornwallis, and mentioned his lordships having condemned Mr. Powney, the president, for having encouraged the rajah to think of war; and condemnation from such a man as lord Cornwallis was a proof that he was extremely hurt and provoked at what he censured. There might be many other reasons for going to war besides what appeared in the papers on the table. Let it be remembered that so long ago as May 1789, a plan was imparted by the rajah of Cochin to the rajah of Travancore of an attack intended by Tippoo Sultan on the Travancore dominions, and on those of the British likewise, for which purposes he was collecting forces, and had sent to the rajah of Cochin to join him, which showed that Tippoo meditated no slight affair, but some general enterprise to sweep the Dutch and English from the coast of Coromandel at once.—The ties of alliances, the faith of treaties, and the necessity of adhering to them were splendid terms. He well knew what the king of Prussia said of treaties of alliance, namely, that they were to be seen and looked at, but never acted upon. They were fine fillagree work, calculated more for show than use. But then he would ask, had we been remarkable for an adherence to the terms of treaties of alliance? At the treaty of Utrecht we had abandoned our allies most notoriously; at the treaty of Neufchatel we did so likewise: and at the peace of Paris, in 1763, all the world complained of us for our neglect of our allies. In fact, treaties were to be adhered to more or less strictly, according to the circumstances of the moment; and the reason why they were so often violated was, because ministers made them without the concurrence of the public; they came to parliament and asked for confidence to enable them to make treaties, and they were afterwards found to be contrary to the interest of the country, and required to be broken down with a hard hand. But what were the princes of India for whom we were to go such lengths? They were, he said, not kings, but a species of nobility, that depended upon us, and existed on our frowns. The nabob of Arcot and the rajah of Tanjore were our first allies, but the former was of the most consequence. On their grounds we stood in India.—His lordship justified the conduct of lord Cornwallis, by observing, that when a man was at Rome, he must do as they did at Rome; and so in India, lord Cornwallis was obliged to act as affairs there required. He justified the terming the treaty infamous, observing that the noble lord (Stormont) who had used that word in application to the treaty with the Nizam, and the Mahrattas, well knew what treaties were, and was not likely to apply an expression to them of a strong nature, which he had not well considered. But he asked, why did ministers let the East India company have their hands in the pockets of the public? He well remembered in the year 1782, they applied to the Treasury, and required the loan of 300,000*l.* which they had; but not upon other ground than that of the exigency of the case. Parliament, he said, had not been up three days, before the chairman and deputy chairman, one in opposition, and one not, came to the treasury, presented their pistol, and demanded credit for a million sterling. He had said to himself at the time, "if this is the case, we must hurry on peace as fast as possible, pay the money, and say no more about it."—The noble marquis here asked, how were the company to bear the expense of the war? With what were they to pay it? With their trade could it be said? What was their trade, but a monopoly of tea, out of which ministers had deluded their country, on the ground of a pretended commutation? That was, he contended, as direct a tax upon the public, as the malt tax, or any other. It was well worth the serious consideration of their lordships, whether the public would consent at present to draw their purse strings for the East India company. He had read a speech made in another place (major Scott's) in which there was a passage which struck him with infinite astonishment, after all he had heard of the economy of the board of control. It was observed in that speech, that the peace establishment of Bengal, as paid by that board, exceeded the peace establishment of the former administration a million sterling annually. The fact appeared so extraordinary, that he conceived there was some error in the statement, but upon resorting to very good authority, he found that the excess was actually 1,200,000*l.*; and with respect to the war, it was most undoubtedly true, that the expenses now very far exceeded those

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of a former period so much complained of. It well then became their lordships, to consider from what source the supplies were to come. Bengal was drained, and lord Cornwallis had already been compelled, in violation of a recent treaty, to authorize the seizure of the Carnatic and Tanjore.—The noble marquis said, the House could not, from any thing they knew, pronounce the war either just or unjust. Ministers could not be blamed, for they had taken care to furnish no evidence against themselves; he wished they had been equally careful to save lord Cornwallis from unjust suspicion; they owed him their protection, and they would have manifested it more in withholding such papers as, without explanation, tended rather to give rise to doubt than warrant any certain conclusion on the subject, than by any overcharged eulogiums on lord Cornwallis's character, couched in pompous phrase and sounding periods. But for the reasons he had stated, he could not vote for the motion. If they wished to censure those who had deserved it, let them not, he said, pick out individuals one by one, and most especially an absent man, who could not speak for himself. Let them appoint a committee to take a general view of the country, and see what men ought to be made objects of censure. Some there were, his lordship said, who had practised every possible enormity in India; let such a committee send them to the judicature appointed by act of parliament to try them, and do not let the country be tantalized by seeing the scandalous abuses which lord Cornwallis had described in his letters, as having disgraced us in India.—With regard to the motions proposed by the noble secretary of state, he could not vote for them, because the House had it not in their power to ascertain whether they were supported by facts. Let both be suspended till lord Cornwallis came home, and they had his whole conduct before them. Then he might be censured with justice or acquitted with honour, as his conduct should warrant, and not brought off by a factious vote, for so he must ever consider a vote of approbation made on a sudden, in answer to a vote of a different kind proposed on that side the House.—The noble marquis spoke highly of lord Cornwallis, and declared he must have been insensible to thirty-four years friendship, uninterrupted even by politics, if he had not felt the highest regard for him, and he must also have forgotten the uniform tenor of that noble lord's public conduct if he had not an implicit confidence, that whenever the day came that his conduct could be fully known, it would be found that he had acted in India greatly to his own honour, and to the advantage of his country. The noble marquis said he had appointed lord Cornwallis governor-general originally, not from any idea that a military man was the fittest to go to take the government of India upon him, but conscious that it was a situation in which that noble lord could not acquire so much glory as if he went to Canada, where he might have been called to the exercise of his profession. His only reason for prevailing on lord Cornwallis to go to Bengal was, because he knew no other man so well qualified to go to India. The noble marquis touched upon the approaching expiration of the company's charter, and expressed his astonishment that so little had been said upon the subject in England, when the advantage of an East India company had been taken into consideration in France before the time of the national assembly. He quoted the late lord Chatham's declaration, that he should leave the question of whether it was right to continue the charter of the company to float upon the waves of public opinion, not doubting but it would one day be agitated, and it would be considered whether the company and the whole of their trade was a bubble or not.—Tippoo, the marquis said, was our natural ally, and the Mahrattas the natural foe of this country. He questioned whether Bengal was not the only substantial resource we had in Asia. The Mahrattas were in this case a dangerous neighbour, and Tippoo Sultan at hand to check any ambitious attempt of the Mahrattas. With respect to our other possessions in India, he doubted whether they were to be regarded as a millstone about the neck of the country, or a resource. He concluded with giving it as his opinion, that it was totally improper to go to a vote on either of the two sets of resolutions, and therefore he would move the previous question as a means of getting rid of them for the present.

The Marquis of *Townshend* said: The war in India is, I conceive, expensive beyond all precedent, and is highly to be lamented. Great and deserved enco-

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miums have been paid to lord Cornwallis, but neither the high esteem in which I hold that noble lord, the ties of consanguinity, nor the fellowship of service in which I have known his merits, should prevail on me to approve of his conduct, had I found, upon mature consideration, that he could have acted a more prudent and honourable part for this country. It is evident, I think, from the treaty of 1784, that upon the rajah of Travancore's purchase of the territory and fort in question (Satta Mangalore), the council at Madras advised his returning it to the Dutch, thereby to avoid the jealousy and hostility of Tippoo Saib. The rajah finds the Dutch will not resume it. Why? Because they had sold it purposely to avoid Tippoo's hostility. The council of Madras expostulate with Tippoo, who perseveres in his claim, and alleges divers breaches of friendship on the part of the rajah. The council of Madras inquire into this, and are convinced of its fallacy. They then propose a mediation, and to appoint arbitrators, hoping to prevent any aggression: Tippoo commences hostilities, attacks the frontiers of the rajah, and is repulsed at the lines of Travancore. How, my lords, was either the council of Madras, or the chief governor, to act in these circumstances? Expose the rajah to the rapacious and vindictive Tippoo, to break the engagements of the treaty, and abandon the character of the British nation? Or ought his lordship to have sent home for instructions, thereby giving Tippoo not only time to extend his conquests, but to form new alliances for their better security? I trust your lordships will see the propriety of the decisive part which the chief governor has taken. It has been said, that this decision of the chief governor's is contrary to the principles laid down by the company, and to their express injunctions. By the act of the 24th of his majesty, could lord Cornwallis do less than support the ally, who submitted to reference, in the possession of what he had purchased, against the violator of this triple alliance, who refused arbitration, and commenced war for that to which he had no right?

Lord *Sydney* said, that his connexion with lord Cornwallis would not permit him to hear a censure urged against him, without saying a few words on the subject. In his mind, an attack had been made on the board of control for acts of which neither morally nor physically, they could be the authors. The ally of the company had been attacked; and the noble governor-general had acted on the occasion with pure integrity and becoming spirit. His lordship reprobated the whole conduct of Tippoo, and reminded the House of his treatment of the detachment made prisoners under the command of general Matthews last war. As an additional instance of Tippoo's determination to break with us, he asked if the investment of Tellicherry in 1789 was totally forgotten?

Lord *Stormont* reprobated the carrying on a war in India. Upon this particular question, however, he was in a difficulty how to give his vote, since every day news was expected which might very much influence their lordships. He complimented lord Cornwallis for the rectitude of his principles, and the moderation of his mind. He argued strenuously against the treaty for dividing Tippoo's dominions, into which we had entered with the Mahrattas and the nizam. He put the case of a similar treaty being entered into between Prussia and France, for the preservation of the general peace of Europe, enumerating all the European powers, excepting only the Netherlands; and asked, if the emperor would not have just cause for jealousy on hearing of such a treaty? Such a treaty he asserted as that lately entered into by our government in India, was unparalleled. If ministers had given orders to lord Cornwallis to plunge into war, the motion proposed by the noble secretary, was that which he should have expected from ministers, because it was a vote of approbation of their own conduct.

The Earl of *Carlisle* said, that as he was related to the noble earl who had been so much the subject of conversation, he could not refrain from making a few observations on what had been said. He confessed he should have been better pleased to have heard from ministers, instead of high and swoln eulogiums on lord Cornwallis, that they were ready to communicate the orders which they had sent out. A noble lord had said, that the board of control could not, phisically speaking, have given orders in regard to this war. That they had not given orders explicitly as to this war, was probable; but had they not sent out hypothetical orders, which bound the noble earl to take the course he had pursued? He firmly believed that Tippoo did not

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meditate a war; if he had done so, he would have come down with his host of cavalry, and would have swept the Carnatic, by driving the cattle, cutting of the harvest, and taking such other steps, peculiar to an Asiatic war, as should have prevented us from attacking him. The papers on the table were unintelligible, without explanation; and ministers had not done lord Cornwallis the justice to give any explanation whatever.

The House divided on the previous question: Contents, 84; Proxies, 12—96. Not-Contents, 17; Proxies, 2—19. Majority, 77. The motion of lord Porchester being thus disposed of, lord Grenville rose, and made the same motions in approbation of the war in India, as had been previously carried in the House of Commons [See Vol. 28, p. 1322.]. The resolutions were opposed by lord Loughborough, who moved the previous question thereon; upon which the House divided: Contents, 12; Not-Contents, 64. Majority, 52. The resolutions were then put and carried.

Debate in the Commons on the Corn Regulation Bill.] April 11. The House went into a committee to consider further of this bill. On the clause for warehousing corn imported,

Mr. *Powys* expressed his surprise that a clause, which had been already negatived, should have been again introduced, without a general notice. Many gentlemen who voted against the clause, were not aware that the effect of recommitting the bill would be the re-introduction of the clause.

Mr. *Ryder* said, that sufficient intimation had been given, that the clause was again to be submitted to the House; and it was so submitted on grounds that demanded serious attention. The regulations of a permanent system ought not only to be such as to provide the country with a supply of corn, when that became necessary, but to provide it with the least possible delay, if corn imported was not allowed to be warehoused, a considerable length of time, after a supply became necessary, must elapse before that supply could be obtained from foreign countries; and when it was obtained, the quantity brought into our ports might be sufficient for six months consumption, when we wanted only enough for three. If corn was ordered from America, to which we must naturally look for a supply when wanted, the ports might be shut against importation before the corn so ordered arrived, and the owners obliged to carry it elsewhere, and sell it at a loss, a circumstance which would go a great length to preclude importation from that quarter. If, on the contrary, corn imported when the price was under the regulated price at which it was allowed to be brought to market, was warehoused, a supply would be instantly at hand, when the price rose so high as to show that a supply of foreign corn was necessary. The system of warehousing, as far as it had gone, had done no harm. On the contrary, as far as it had produced any effect, it had been beneficial. It tended to encourage the navigation and commerce of the country; and it would give the means of enlarging the returns from America, and consequently extending the sale of manufactures, both which were objects much to be desired.

Mr. *Powys* said, that the first ground on which the clause was defended was, that it tended to promote navigation and commerce; and the second, that it would provide a supply of corn for the consumption of the country, always ready to be used when wanted. The first appeared to be true with respect to America, but not with respect to the countries bordering on the Baltic, from which the greater part of our foreign supplies was drawn, and from which the voyage was so short, that there was little risk of the ports being shut between the ordering and receiving a supply, unless they had been opened by fraudulent means. The second was true only when corn was plenty, and the price moderate in other parts of Europe; because under other circumstances, that very corn which was warehoused as a supply for this country, would be reshipped for exportation. This was the true reason why so little had been hitherto taken from the warehouses for home consumption. Two principles were stated in the report of the committee of privy council, of which he approved, and which were in direct opposition to the clause: first, that the supply of corn from the tillage of the country was the best supply; and secondly, that the stacks and barns of the farmer were the best stores of corn. The warehousing of foreign corn could not afford a supply to be depended on, unless, when the price rose, an embargo were to be laid on the exportation of it, which would be, in effect, a breach of

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faith, on the part of the public, towards the importers, and a proceeding so harsh, as nothing but extreme necessity could justify. On the other hand, it would depress the spirit and industry of the farmer, who would see, that whenever he refused the price offered by the corn dealer, the latter had a quantity of foreign corn at hand ready to be poured into the market, and which, by his influence over the market, he would find, almost at pleasure, the means of introducing.

Lord *Sheffield* said, that no part of this very objectionable bill was likely to be more ruinous to tillage than the clause then before the committee. The mischief of heaping up immense magazines of foreign corn in every part of the kingdom, must be obvious to every man. It was impossible to invent any thing more injurious to tillage, than to suffer every country in the world to keep their cheap corn in magazines in this country, and in readiness to be poured, by means of our canals, into the very heart of the kingdom, whenever the ports were opened, either through fraudulent means in the districts, or because the smallest quantity of our usual consumption was wanting. The arrival of a hundred ships in one day with corn, would not ruin the market so completely as the opening of the magazines of one port would do. More corn would be turned loose in one day than 100 ships could carry. When our opulent dealers in corn had filled their magazines, it would be an easy matter, at a moderate expense, to raise the price of corn in the markets which regulate importation in the district, so as to open the ports, and even at the time that the price in the corn-growing counties of England might be very low. The ports and magazines once opened for importation, must remain so for three months, notwithstanding the magazines poured out ten times more than was wanted. Corn often came here at very low prices. It came from America, and must be sold in payment at any price, even below its real value, and it would be taken in payment at any rate, rather than have no payment. It so happened that some corn-growing countries, wanting bulky articles from this island, could send it almost without charging freight. Above 100,000 tons of shipping came yearly from the Baltic, from Flanders, and Ireland, to Liverpool, for salt, and could afford to bring 500,000 quarters of wheat at a very small expense. On an average of many years, the price of wheat at Dantzic had been at 29*s.* 6*d.*; the price had been often at 30*s.* in Ireland; and he knew it to be the opinion of a Virginia gentleman, that it answered better, even on James's river, to grow wheat at 2*s.* 6*d.* per bushel, than tobacco at 19s. per cwt., which was a high price. The English farmers would soon see they could not raise corn in competition, and necessarily would turn from tillage to pasture. The desolation, and also the dependance on foreign countries for subsistence, which must necessarily take place, would be obvious to every one. Even if the farmer could afford to sell in competition, he often would not have time to bring his corn to those parts where the ports might be suddenly opened. He added, that those magazines were unnecessary: we never had such during the prosperous time of our corn trade; they were not wanted; the magazines of Holland were near enough; famine did not come on suddenly. Ireland, by preventing importation, was become a great corn country, and would now always be a magazine for this country. However, if the clause in question passed, the growth of corn in Ireland would be greatly discouraged, and that country would be deprived of all the natural advantages of her situation.

The committee divided on the clause: Yeas, 56; Noes, 70. On the clause for dividing the country into eleven districts, with a view to ascertain the export and import prices in each, Mr. Powys moved, "That the average should be taken, not by districts, but on the kingdom at large."

Lord *Sheffield* said, he should prefer the average of the whole kingdom, as the only means of preventing frauds. His only objection to the average of the whole kingdom was, that it would open the ports to importation considerably sooner than the average of the maritime districts, but he thought it by far the most reasonable and best mode.

The committee divided: Yeas, 65: Noes, 58. The chairman then reported progress, and obtained leave to sit again.

Debate on Mr. Grey's Motion respecting the Preparations for a War with Russia.] April 12. Mr. *Grey* rose, to make the motion of which he had given notice, respecting the preparations which ministers were making for a war with Russia. He

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said, that, in the present awful and critical moment (and a more awful and critical one this country had never seen), he felt it to be the duty of every man, to whom the welfare of the state and the happiness of his fellow-citizens were dear, to do every thing which reason and prudence could suggest, to divert ministers from the pursuit of measures that could not fail to involve the nation in distress, if not ruin, and which, even if carried on with the greatest possible success, could not be productive of any advantage to Great Britain. It was under the impulse of duty that he had resolved to trouble the House on this occasion, and not with any disposition hostile to any man, or set of men; but he confessed that he was hostile to their measures, because he considered them as likely to bring the heaviest calamity upon his country. He said, he had intended to move that the House should resolve itself into a committee on the state of the nation, and it had been his intention to have moved certain propositions in that committee. He thought there could have been no reasonable objection to this; and as the present situation of the country was one of the most important and critical, he had conceived there would have been every opportunity for the most ample discussion of the resolutions he should have had the honour of proposing; but having been given to understand, from high authority in that House, that an objection would be taken to such a committee, and that that objection would be supported by strong reasons, and knowing, as he did, that it was nearly the same thing whether the objection was supported on strong grounds or not, he had been induced, for the present, to deviate from his intention of moving for that committee, in order to come immediately before the House with certain propositions. He thought this requisite, and hoped to convince the House of the necessity of so doing on the present occasion. He observed, that if he were to adapt his conduct to what he had reason to believe would be the conduct of those opposite to him, it would be necessary for him to trespass very shortly indeed on the patience of the House. It would be necessary to do little more than merely to state his propositions, and to beg the acquiescence of the House in those propositions: and his claim to do so might not, perhaps, be altogether unreasonable. For there was not one man who would not find himself ready to assent to them on the principles of common sense, and on a ready confirmation of those established principles of policy and justice, which had ever regulated all wise men who had taken any part in the councils of the nation, and which had never been departed from, but by those whose ignorance and obstinacy had led them to act in a manner unworthy of their stations. He said, notwithstanding the truth of these observations, before he ventured to ask the acquiescence of the House in his resolutions, he should endeavour to support them by the best arguments that occurred to him, leaving it to his friends to supply his defects, which he had no doubt but they would do with the greatest ability.

He hoped to be able to persuade the House of the truth of all the propositions he should state. He conceived there were some things about which mankind were generally agreed. There were some truths which appeared to be so clear and evident, that no man was disposed to dispute them. Among these, he conceived, ought to be reckoned the just causes of going to war. Of this nature also were those maxims of policy, which ought to govern this country in all its connexion with foreign powers. Mr. Grey said, he should maintain this proposition, that the only just cause of war originated in the principle of self-defence. This principle of self-defence was not confined to nations in the same manner as it was to individuals. Individuals were only allowed to avail themselves of this principle, when the danger was imminent and pressing, and where the laws which were instituted for the protection of society, could not operate and ensure their safety. A nation's right of attack was founded in, and must originate out of the principle of self-defence; and no war could be justified on the grounds (to use a fashionable phrase) of political expediency, whatever the consequences of it might be, and however profitable and advantageous it might turn out to the state. The principle of self-defence, therefore, was the sole ground on which a war could be justified. The cases where a war was just, Mr. Grey conceived, might be reduced to three heads: first, when it was undertaken to redeem a right forcibly withheld, and to which we had an irresistible claim; secondly, in providing for future safety; and the last, a right of repelling an unjust

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attack. These, he said, were the only three causes which could justify any war, except another, which might be included under the third head, and that was, where an ally had been unjustly attacked. He laid particular stress upon the words "unjustly attacked," not being willing, he said, to admit, that when an ally was an aggressor, and refused to make reparation, the nation with whom he was in alliance was obliged to support him. A nation was bound to support an ally only in the case of an unjust attack, and even then only according to the specific meaning of the treaty entered into between them. The only three causes, therefore, for going to war were, to redeem a right, to provide against danger, and to repel an attack; and any principle of supposed policy that stood in opposition to these three causes, and did not come within one or other of them, could never be a just cause of war. "Omnia quæ defendi, repeti, repelli possunt." These, he said, were the words of Camillus to his soldiers, and were full of wisdom, policy, and justice. These were the only just causes of war, on the established principles of the law of nations. In the war on which they were now about to enter, what were they called to do? To redeem a right, to provide against danger, or to repel an attack? Was there any danger which at present threatened this country? Had any of their rights been violated, or any unjust attack made upon them? He should content himself with answering to these questions, No. He might rest on these general principles and call for an answer from the other side of the House. But a sort of answer, he observed, had been already attempted. A new system had certainly been proposed to the House, a system which that House did not understand, and which could never have entered into the mind of any reasonable man. It was no easy matter to argue a proposition which had no precise definite meaning. The theory of treaties which had been stated to the House he did not pretend to understand, but he did understand something of the Prussian treaty. By that treaty, Great Britain, in case of an unjust attack, engaged to furnish the king of Prussia with a certain number of troops, or with a certain sum of money. He trusted he should not be told that the moment they entered into this treaty with Prussia, they were bound for all the other engagements of the king of Prussia. He had always understood the treaty to be a treaty of defence, and it was impossible to be so construed as to justify the war in which they were about to engage. The treaty we had entered into with the king of Prussia was laid before the House; but if we were bound for all his other engagements, all the treaties of the king of Prussia with other powers ought likewise to have been laid before the House. Mr. Grey said, he had never considered the treaty in that light, neither had that House ever considered the treaty in that light. The chancellor of the exchequer himself had stated, it was only to furnish a certain number of troops in case the king of Prussia was attacked. Was he attacked? Had he any reason to expect an attack from the empress of Russia? From any thing that was intimated to the House when the Prussian treaty was laid upon the table, was it possible for any man to suppose Great Britain would have been bound by that treaty under the present circumstances? But we were told, that there was a system in reserve, that there was a something behind the treaty. If this something was meant to be binding, why was it not brought forward? Had the treaty been laid before the House fairly and honestly, in order to inform them of the nature of the transaction, or had it been employed as an instrument of imposition, as a cover for something that could not be trusted to the public eye?

It had been said, that the character and honour of the country were concerned. What a way was that of treating the House! for what purpose was the treaty laid before the House? Was it to consult the House with regard to the engagements his majesty had entered into, or was it for the purpose of deceiving the public, and the House, and proposing to them a treaty which held out that we were engaged in a system of defence, when, in fact, it meant a perfectly different thing? Suppose, at the time when the treaty was before the House, it had been a condition in the treaty, that Great Britain should go to war with Russia, whenever Russia should possess herself of Oczakow, would any man in the House have assented to it? Could the minister, with all the confidence that House was disposed to place in him, have ever procured their approbation to such a condition? It was impossible. This country was at peace, and they ought to adhere to that defensive system which had been so wisely recommended to them,

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In every other respect the treaty was unexceptionable. Such a measure as the war now proposed, must give offence to a power with which it had always been considered as the greatest interest of this country to maintain the best understanding. The language of the treaty was, that Great Britain and Prussia had entered into a defensive alliance; the language of that House was, that they had entered into an offensive treaty. If such a construction had been given to the treaty at the time, no man in that House would have supported it. How, or upon what principle could they support it now? It was a system which in its consequences went infinitely beyond the treaty. All they were bound to by the treaty was, to furnish the king of Prussia with so many troops; or in case he liked it better, with a certain sum of money. By the system now adopted, they were engaged at once in all the expenses and consequences of a war, of which no man could see the policy, and of which no human prudence could limit the extent. Perhaps he might be told, that he had admitted that a country was bound for its own safety to guard against the dangerous aggrandizement of any one power. This was certainly true: but he must be understood to suppose, that that aggrandizement was aimed at by violent and unjust means; that it was clear and obvious, that the danger arising from it was evident, and the not providing for it in the best way in our power would be to neglect our own safety. The country which should fail to watch and oppose the aggrandizement of another that became dangerous, would neglect its own interest. But he could not see the necessity of that superfluous caution, which was alarmed at every slight appearance, and anxious to guard against every remote contigency. This he would not admit upon any remote view that could arise from the equity of a treaty entered into with an ally, and not immediately connected with any interest of this country. In that case he certainly could not admit that explanation. Mr. Grey said, it was on this principle, on the first view of it, that the balance of the power of Europe had been founded. This, he contended, was a system which ought not to be left to the management of agents, and unskilful hands. To that system, and to the preservation of it, he had heard the epithets of wild and romantic applied.

The balance of power in Europe was, indeed, a matter of the greatest importance. He would not tell the peasant that this balance was wild and romantic. He would not seek to convince him, that the object which he incurred so many burthens to support, was a mere illusion. If it was necessary, he would advise the peasant to submit to new burthens, in order to preserve that balance from any real danger. If the war was just in principle, and necessary in policy, he would tell him, that, as a member of the state, he was interested in its welfare, and that his sufferings might be misfortunes, but were not injuries. But the reverse of that system was now proposed, and the country was no longer to be directed by that wise and cautious policy which had hitherto directed its councils. At the moment that France had become no longer formidable, a rival was discovered in a corner of Europe. They were now to contend for forts on the Black Sea, as if they were fighting for their hearths and their altars. This was a source of affliction to the peasant: and those who proposed to lay new burthens on him for that purpose, added insult to oppression. He said, he thought those who had been so loud in talking of the romantic idea of the balance of power, would have explained their own system. He had watched them closely, and he thought he had seen some of the workings of conviction in their minds. They had altered their opinion, and had now confessed that the balance of power in Europe was no longer a romance. But although they had retracted their opinion, Mr. Grey said, he certainly had not changed his. He thought the balance of power in Europe was an object of great concern; and if they could show him that that balance was in the least danger, he should certainly give his vote to rescue it from that danger. But before he consented to plunge this country into all the horrors of war, he must be convinced that the danger was suited to the case. It must be shown him that the possession of the town of Ockzakow was such as would materially affect the interest of this country, and would endanger the balance of power in Europe. He asked upon what principles, or for what reasons, could they complain of the terms which the empress of Russia had insisted upon? How could any danger arise to this country? If they looked upon the empress with as jealous an eye as some people did, they would think the way for her to aggrandize herself in a

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manner the least offensive to this country would be to push her conquests to the south. But the right hon. gentleman said, if this was he case, would not any man see the necessity of arming? Mr. Grey said, he was not one of those who sought for war on suppositions. What the empress of Russia sought was simply this, the town of Ockzakow, and the country between the Bog and the Niester; and how could it possibly be stated, that the acquisition of this territory was so material an acquisition to the empress, as to make her formidable to the rest of Europe, or to Turkey? The truth was, it was not very material for either of these objects. In the first place, with regard to defence against Turkey, that place was not of very great consequence. Upon what principle was it, that they contended that this place was of so much importance? The distance to Constantinople was less from Sebastianople, of which she was already in possession. She had already the command of the navigation of the Nieper, so that with equal little reason could this be urged as her motive for wishing to retain the fort. It was clear that the only ground of the war into which we probably should be hurried, would be to wrest that fortress from the empress, and restore it to the Porte; and this our ministers were about to attempt, under the idea that Oczakow was the key of European Turkey. But in this they were greatly mistaken; for the Russians had never considered it as the key of Turkey, and had actually let themselves into the finest provinces of the Ottoman empire in Europe, without passing through Oczakow. Gentlemen must remember, that in the war before the present, the forces of the empress penetrated through another quarter as far as Mount Hœmus, when the Grand Vizier had no more than 10,000 men to defend that important pass on which the safety of Constantinople depended. From this it was evident, that if she wished to retain Oczakow, it was not because she could not find another way into the Turkish provinces. From the most accurate information he had been able to obtain from such as were acquainted with those parts, and from the inspection of the best maps, it appeared, that the empress might possess the Nieper without being in possession of Oczakow. The acquisition of that place, therefore, was not of so much importance as had been contended. The country between the Bog and the Niester was known by the name of the desert plains, which circumstance might give gentlemen some idea of what importance that territory was likely to be to the empress of Russia. Although the country wrs barren, it was inhabited by some Tartars, who, as soon as a dispute commenced between the Turks and Russians, ravaged the Russian country; and, upon the first show of resistance, retreated and sheltered themselves under the walls of Oczakow, where they were perfectly secure. When it was considered that the Turks were the aggressors in the war, could it be stated that the terms were unnecessary, or unjust? Could it be said that the acquisition of such a territory would be of any material disadvantage to this country? But suppose it had been of ten times more importance than it really was, of what consequence was the Black Sea to Great Britain? He believed it was the only sea which British ships did not navigate. Was it then to be secured for the trade this country was to have with Poland.—There was, however, another point of view, in which it might be thought that Oczakow would be essentially necessary to the aggrandizement of the empress by sea, as without the possession of that fortress, she could not have a free passage into the Black Sea. He confessed that this observation had had great weight with him; for he had been led to believe that the river Nieper, down which the Russian vessels must pass from Cherson to the Black Sea was so shallow opposite to Oczakow, except on the side next to that fortress, that they must sail close by the walls of the place, and almost under the muzzles of its guns. But, on inquiry, he found that this was a mistake; that the batteries of Oczakow could not reach a vessel going down the Nieper; and that the Russians had, on the bank opposite to Oczakow, the fort of Kinburn, which most completely commanded the navigation of the river, and annoyed the Turks. This being the true state of the case, it was evident that the empress could have no other possible view in keeping Oczakow, than the defence of her own dominions by restraining the Tartars from crossing the Bog, when they knew that Oczakow, no longer in the hands of the Turks, could not shelter them from the pursuit of the Russians.

He thought the important trade Great Britain carried on with Russia, must be greatly interrupted, by the proposed war,

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and sure he was, it would be difficult to persuade the country of the necessity of war. Our trade with Russia was the most advantageous of any to Great Britain. It furnished materials for our manufactures, and proved an excellent nursery for seamen. Our exports to Russia amounted annually to two millions sterling; and our imports to one million. The duties on the export trade amounted annually to 300,000*l*. In this trade upwards of 850 ships were employed, all of them British, except four or five. Was it prudent or wise, then, to interrupt such a trade? To which was to be added, the immense expense of the war. In 1759, when Great Britain was in alliance with the king of Prussia, and when the latter was pressed by the victorious arms of Russia, the king earnestly solicited lord Chatham, as the only means of providing for his safety, to send a fleet into the Baltic. What was the answer of that minister to his Prussian majesty? He considered our trade with Russia to be of so much importance, that he denied the very thing they were doing now: though the person who made the request was an ally, who was embarked with us in one common cause; though a British fleet in the Baltic would have forced the Russians out of Brandenburgh, saved Berlin, and the other towns of the king of Prussia from destruction, and left the great Frederic at liberty to act with his undivided force against the French and Austrians, who were our enemies as well as his; yet lord Chatham could not be prevailed upon to take a step which would produce a rupture between Russia and Great Britain, and endanger the commerce which the latter carried on with the former. If that able statesman prized that trade so highly at that period, how much more highly would he have prized it if it had been then, as it was now, more than four times as valuable? This was the policy of lord Chatham, and had been the policy of all succeeding administrations. It had been the policy in 1770 and in 1783. If it was formerly unnecessary to the interests of this country to oppose the growing power of Russia, what new circumstance had arisen to make that an established policy? What had happened within the last six months to alter the policy even of the present administration? Why had the House been assured repeatedly these three years, while the war between Russia and the Porte was carrying on, that the interests of Great Britain were not at stake, and that there was no probability of any interruption of the peace and tranquillity of the country? It was incumbent on the right hon. gentleman to show some ground for the present war. Till he did so, on every principle of justice and policy, they ought to refrain from it. He contended that it was neither just nor politic.

He said, he had perhaps gone too far into this subject, and that what he had said, had been rather a repetition of what had been formerly observed than any thing new. It had been done for the express purpose of drawing some answer from the other side of the House. He thought they ought to give some reason before they proceeded to the war. He trusted he had established all the points which he thought it was necessary for him to insist upon. There only remained one consideration, and that was the way in which these resolutions might be treated. He said he meant to move a string of different resolutions, first of all stating the general interests of this country, and the general principles on which war could be justified: they also contained the nature of our connexion with foreign powers; and lastly, as a conclusion from the whole, they asserted that the present armament was unnecessary. The first resolution might be considered as a truism. If the first proposition which he should submit to the House was true, and the result false, let the other side of the House show that the conclusion did not follow. He did not wish to alarm the country, by representing that there was a want of resources, but he was sure that every addition to the burthens of the country, in its present situation, must be severely felt; and, in order to induce the people to bear them with cheerfulness, that House ought to proceed on principles of justice and honour, and show the people that such burthens were really necessary. If the consequences he had drawn from the first proposition could not be supported, let the right hon. gentleman show it by argument; but if the minister endeavoured to wrap himself up in the veil of state secrecy, if he endeavoured to avoid what he could not answer, and had recourse to a previous question, and to the order of the day, let gentlemen consider well what they owed to themselves, and to their country, before they concurred with him in a measure which must be attended with such ruinous consequences. Such a war

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could never do credit to the character of the country, it could not be justified on the principles of policy or of reason. He could not sit down without taking notice of those doctrines of confidence which were every day carried to a greater extent, and which converted the House of Commons into what was little better than the parliament of Paris before the late revolution. If this doctrine of confidence was still extended, that House would soon serve no other purpose but merely to approve and register the acts of the king's ministers. He declared it was his glory to announce, that he had attached himself by principle to his right hon. friend (Mr. Fox), and to a set of men not meriting the foul aspersions cast upon them in a former debate, but who deserved the praises of their countrymen, for resisting, on all occasions, every principle that was unconstitutional. He said it had been his lot to stand forward, more than once, against this blind confidence that had been claimed by the minister, and which many of his friends were willing to give him. Whatever minister claimed such confidence, he should oppose him. To this every member was engaged by every duty by which he was bound as a representative of the people. He did not claim to himself any exclusive merit for having stood forward on this occasion; he had not done it without the approbation and concurrence of his friends. He did not suppose that the subject had received any weight because it was proposed by him; the only reason why he stood forward then, as he had done on other occasions, being because it had been thought that it was better for the cause that the weakest should come first, and the stronger follow, in order to make up for his deficiency, by their more effectual support. When they had engaged to make war against Spain, he had the honour of cordially concurring in an unanimous vote. When the convention with Spain was announced to that House, no man rejoiced at it more than he did; but he thought it was requisite we should know whether the money that had been expended, had been necessarily laid out or not. He conceived it had not; but the House had been of a different opinion. It was not for him to arraign the House for so deciding. He hoped, however, he should not be supposed to have acted improperly on that occasion, although he had made a motion that proved unsuccessful.

When the king's message came down relative to the dispute with Spain, he had concurred in an unanimous vote of supply; but had moved for papers, in order clearly to ascertain what was the origin of the dispute, and the object in view. After the convention had been ratified, he had likewise moved for papers, in order to ascertain the nature of the agreement which had been made, and the conduct of ministers during the negociation. On both these occasions had been pleaded the danger of disclosing state secrets: 1st, the impolicy of communicating any part of a negociation which was still going on; and 2dly, the impropriety of publishing what had passed during a negociation, when it was completely finished. But what claim of confidence could now be held out to the public? In the dispute with Spain, at least, there appeared some shadow of cause: an injury had been committed; it was necessary that satisfaction should be obtained. Though confidence was put in the ministers, in order to employ the proper means of obtaining that satisfaction, the cause from which the dispute had originated, was open and acknowledged. He by no means wished to diminish any part of necessary confidence.

On the present occasion, they were desired to give the minister full credit for every thing he had proposed. They were to act on his bare word. Mr. Grey contended that this was no part of the necessary confidence due to the executive government, and he hoped that such confidence would never be given. They might represent it under the name of legal prerogative: if so, they ought to be able to prove it by something better than mere assertion. He declared, that he had not the smallest objection to the royal prerogative, and particularly to that part of it which enabled the crown to make peace and war, and to manage foreign negociations; but he trusted those were the best friends to the prerogative of the crown, who wished to confine it within its proper limits, and that it might not be used in any way that might produce its destruction. It was originally allowed for the good and safety of the people; and if any contradiction arose between the good of the people and the prerogative of the crown, it was not difficult to see what must be the consequence. He hoped and trusted that the prerogative of the crown would never contradict the duties of that House. It was the indis-

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pensable duty of that House to inquire into the justice of voting away the public money, and he hoped that it would never be considered as invading the prerogative of the crown. Ministers claimed the confidence of the House of Commons; but suppose the House should afterwards be persuaded that the war was impolitic and unjust, and that the measures taken deserved the severest punishment, might not ministers come with the vote of approbation in their hands, and say, "Can you, who have approved, come now and condemn that to which you have already given your sanction? You have approved of these measures, and therefore you cannot now censure us for them." Mr. Grey concluded with moving, the following resolutions:—1. "That it is at all times, and particularly under the present circumstances, the interest of this country, to preserve peace.—2. That it is neither reasonable nor just to take up arms for the purpose of dictating terms of peace between nations engaged in hostilities, without any reference either to the cause of the disputes, or the circumstances of the war.—3. That the refusal of an offer of mediation is no just cause of war.—4. That during the progress of the war between Russia and the Porte, and since the taking of Oczakow, this House has received repeated assurances from the throne, that the situation of affairs continued to promise to this country the uninterrupted enjoyment of the blessings of peace.—5. That, convinced of the truth of the assurances which we have received from the throne, this House has hitherto considered the interests of Great Britain as not likely to be affected by the progress of the Russian arms on the borders of the Black Sea.—6. That this country is not bound by any treaty to furnish assistance to any of its allies, except in the case of an attack upon them.—7. That none of the possessions of this country, or of any of its allies, appear to be threatened with an hostile attack from any foreign nation.—8. That the expense of an armament must be burthensome to the country, and is, under the present circumstances, as far as this House is informed, highly inexpedient and unnecessary."

The first resolution being put,

Major *Maitland* said, that, in rising to second the motion, he was well aware of the present calamitous situation of the country. It had not been reduced to this state by any necessity of protecting an ally, but by the unjustifiable measures and iniquitous conduct of the right hon. gentleman, in involving it in a useless and unnecessary war. It was perfectly unjustifiable, inasmuch as no one good reason could be assigned for such a measure. The right hon. gentleman, a few days ago, had brought down a message to that House, and they had pledged themselves, in some degree, to support the war. No principle of equity had been attempted to be stated. Could it be said that they had a right to go to war on any principle of moderation? Clearly not; for the very act of war was destructive of moderation. It was not to preserve the faith of treaties, for no treaty had been violated. Was it for national character, or national honour? Far from it. Why, then, did they enter into the war? Was it to support a balance of power? It was to support an ideal balance of power, which was never before entertained. For whom did Great Britain stand pledged? Was it for a people always connected with her? Was it for a people carrying on an extensive trade with her? No. It was against them, and in favour of those who, for the space of the last century, had been joined with France against us, whose conduct was always marked with inhumanity, and whose character and manners were a disgrace to human nature. The national character, by this measure, must be inevitably lost, and the character of a nation was like that of an individual. This country must fall from its character of justice, generosity, and moderation; and must sink into the character of a bully, a tyrant, and an oppressor. What could be so disgraceful as to enter into a war which could on no ground whatever be justified? What so tyrannical, so oppressive, or unjust, as to wish another power to do that, which we, in a similar situation, would not be content to do; and what no nation would ever submit to, unless the most positive necessity dictated that submission? Great Britain had only insured to herself, and all her posterity, the eternal enmity of Russia; and from the moment the king's message was sent down to the House, they stood enrolled at the head of the foes of the empress. They had lost all their advantages, and distress alone awaited them in the event of a future war.—The treaty with the king of Prussia was strictly of a defensive nature, and he

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wished to ask this simple question, whether any one who had read the treaty could have conceived from it that Great Britain was bound to arm, in order to stop the aggrandizement of Russia? But he would go farther. Suppose the empress had driven the Turks out of Europe, and had taken possession of Constantinople, ought we then to go to war? No. But the right hon. gentleman had discovered that there was a system arising out of the treaty. The House would consider how the treaty stood with regard to reciprocity. We were obliged to arm because Russiawas carrrying on a war; not a war which she had entered into, but into which she had been forced by the Turks. If therefore the empress entered into a war in which she was likely to be aggrandized, though forced into it, yet we must immediately take up arms. The nature of the system was exactly this. We had engaged ourselves to be ready, at all times, with an army for the protection of Europe, when Prussia could never be under the same necessity to arm for us. By this system, we were bound to expend our last shilling, and the last drop of our blood, without a prospect of a return. The cause of the war could only be an extension of the already extended patronage of the right hon. gentleman. He advised them, therefore, to use their eyes and look before them, for they were on the edge of a precipice, and were every moment in danger of falling. If the sole reason for voting millions was silence, they could only account for it in the badness and iniquity of the cause.

Lord *Belgrave* said, he had heard nothing yet that induced him to withdraw any share of that confidence which he had always given to the present administration, and which he affirmed was due to them by the House, as well as by all who had studied their conduct, particularly their wisdom and spirit in 1787, and the active measures which they had pursued in the armament of last year. His confidence in ministers was founded on experience, and therefore he must consider the resolutions moved so unnecessary and improper, that the House could not adopt them, but ought to get rid of them by a motion for the previous question. There could be no doubt but peace was preferable to war in general, but certainly war was preferable to any ignominious submission that the country might be obliged to make to procure peace. He did not argue, because two powers were at war, that a third, who might be allied to one of them, must necessarily engage in a war with the other. And his right hon. friend had fully satisfied the House on a former occasion, that the present war was not brought on, if it did take place, by any treaty that subsisted between this nation and any other power. As to Oczakow, he considered it to be a matter of much more consequence than some gentlemen imagined, to get it out of the possession of Russia, but on that, as well as every matter connected with the present negociation, he trusted the House would repose the most implicit confidence in ministers, who he was sure would do what was most for the interest of the country. And who could say that this was an improper time to treat with Russia? Might not she, like France, be in an unfavourable situation to quarrel with us, when her resources were exhausted by a tedious and expensive war? But without entering into so wide a field, he still argued that it was improper to deny that confidence which was due to administration, until we were in possession of the whole information that they could give on that subject. He, for one, thought them more entitled to confidence, because they had been so secret. A minister who had exerted his best abilities in the service of his country, had at least the comfortable feeling of self-approbation.

Cras vel atra
Nube polum pater occupato;
Vel sole puro; non tamen irritum,
Quodcunque retro est, efficiet; neque
Diffinget, insectumque reddet,
Quod fugiens semel hora vexit.

He said, that Britain never had a finer navy, and attributed its present condition to the exertions of the noble lord at the head of the admiralty. If the empress was suffered to proceed in her career of victories, he made no doubt but they would terminate in the expulsion of the Turks from Europe, and the conquest of the Ottoman provinces in this quarter of the globe, and of Constantinople itself. The consequences might then be truly alarming to every maritime power. As soon as the Russians should have passed the Dardanelles, they would to a certainty be joined by the faithless Greeks; and where their victories would afterwards end, God alone could tell! They might fall upon Lower Egypt, and seizing upon Alexandria, restore the commerce of that once mighty

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city, the most populous, most commercial, and most opulent at one time in the whole world, which would give to Russia the entire supremacy of the Mediterranean, and render her a formidable rival to England, as a commercial and a maritime power. He concluded, with moving the previous question.

Mr. *Pybus* seconded the noble lord's motion, and expressed his perfect concurrence with the hon. gentlemen opposite, in their construction of the treaty with Prussia. It certainly had always appeared to him a defensive treaty, and if such were the real scope and nature of it, it was undoubtedly true that we were not bound by any article in it to come forward as an armed negociator of a peace between Russia and the Porte. But though it did differ essentially from a treaty of offensive alliance in this fundamental point, that we were not obliged to assist the court of Berlin in any designs of national aggrandisement, nor to countenance such hostilities as ambition and a love of conquest might tempt it to commence; though our interference in disputes upon the continent could not be insisted upon as a matter of obligation and faith, yet it would be a most extraordinary mode of reasoning to contend that, because we had connected ourselves by some sort of treaty with Prussia; because a close and friendly alliance did actually subsist between us; and because, with reference to that alliance, we were necessarily in some degree strong in her strength, and safe in her security; we should therefore be precluded from taking those steps which might restore tranquillity, and be for the general interest of Europe. We should have been forming treaties upon curious principles indeed, if the effect and operation of them were to place us in a much worse situation than we should have been, if no such treaties had existed: if we had renounced the means of guarding and averting evils from ourselves, and abandoned all right of adopting such measures, as would have flowed from clear and rational policy alone, without any continental connexions whatever. What was the principle of our interference in the internal disputes of Holland? Were we under any fœderal necessity of becoming parties to altercations respecting its municipal government? Under what treaty had we guaranteed a specific mode of civil establishment in that country! Upon what point of honour did we feel ourselves called upon to decide between two parties in the state, upon a question of civil right and authority? or to what imputation of *mala fides* should we have been subject, if we had remained totally neuter and inactive? In fact, we were under no such fœderal necessity; we were not guarantees to such effect; we were not bound in honour to interfere: we were liable to no such reproach: but we consulted our own interest as a nation; we looked to the salvation of our own political importance in the scale of Europe, and successfully resisted that ascendancy which France was labouring to establish, and must have produced its destruction. Mr. Pybus said, he had not the absurd vanity to affect having received from his right hon. friend any communication upon this subject; for none could be made, without a criminal violation of his duty to his sovereign. But he thought that the posture of affairs in the North, and the formidable success of the Russian arms, afforded in themselves quite information enough to justify the belief, that this country was actuated by the same spirit, and had interfered upon the same grounds of policy, as were the basis of her conduct in Holland, without feeling herself under any obligation to do so, from an article of any existing treaty. It was the avowed opinion of the most distinguished statesmen on both sides of the House, that Great Britain was deeply, interested in the situation of political affairs on the continent, and that her exertions were never more judiciously employed than in preserving the balance of power in Europe. An hon. gentleman had said, that considering the Turkish dominions as being of any weight in the scale, was an idea altogether new and unprecedented. Without inquiring minutely into the correctness of such an assertion, he begged leave to state the mode in which he thought this matter ought fairly to be considered. Setting aside, therefore, all ideas whatever of the intrinsic importance of the Turkish government, the question would be, not whether the Ottoman empire had been usually considered by the cabinets of Europe as a proper object of jealousy to the other states; but whether a defalcation from it in favour of Russia, who had been universally so considered, might not throw into her hands such additional advantages, as would greatly increase her consequence as a

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maritime power, and make her dangerous to the strength and liberties of the neighbouring nations? Russia, from the nature of its produce, and from other circumstances, had been styled a fitter and more rational object of alliance to this country, than the Porte could be. He was, however, strongly convinced, that if we suffered her to realise her obvious schemes of conquest and dominion, she might hereafter, and, as states were more frequently guided by the law of power than that of morality or justice, probably would (at least it became us, for our own security to act as if we thought so) do us infinitely more harm, than her friendship could possibly do us good. She was certainly enabled to be extremely useful to us in supplying us with articles for our navy. But it should be remembered, that she was not exclusively so, and that other sources of supply were open to us. The loss, therefore, of such a market for her stores, would press more severely upon her trade than it would upon our convenience. This country, however, should take care to prevent her having the best and most substantial reason for withholding them from us, by their becoming more necessary for her own consumption. Relying as we did, upon our naval strength, as the solid basis of our power, we should regard every attempt to rival us in that, and to dispute our superiority at sea, with the most serious jealousy. Russia, in its present extent, could hardly ever be formidable to us in that respect: but naval importance was a favourite object of the empress's ambition; and he was sure the House must be aware of the maritime advantages she would derive from her acquisition of the Turkish dominions in Europe. Viewing the question in this light, he considered Great Britain as being deeply interested in checking the progress of the Russian arms. But, says the hon. gentleman, if our interference were ever necessary, why was our late naval armament reduced, as the minister was, long before its reduction, as completely acquainted with the only fact of consequence, namely, the capture of Oczakow, as he is at the present moment? If Oczakow were ascertained to be the only difficulty in the way of an immediate accomodation, the subject would be open to argument upon that ground. But without meaning to undervalue those sources of foreign intelligence which any member might be in possession of, he was persuaded that the points, upon which the negociation was proceeding, could be known to those only whom his majesty's ministers might have given specific information to upon the subject; and he was too well satisfied of their honour and sense of duty, to believe that they had done so to any one of those with whom they were intimately connected. To contend, therefore, that Oczakow, or any other special circumstance, was the only impediment to an immediate peace, was to beg the question completely. Yet, if Oczakow had been the only place of consequence, the capture of which had been considered by this country as so important an acquisition to Russia, it would not by any means follow, that we ought to have armed, or to have interfered at all, the moment we became acquainted with that event. The fortune of war, while any thing like equality of force subsists between belligerent powers, is continually changing the possession of fortresses; and we could have had no reason for being convinced, at that period, that whatever advantages Russia had gained by one siege, she might not lose by another. The aspect of affairs had since experienced a considerable alteration. The success of the Russian arms had not been confined to the barren district between the Bog and the Niester; the distant banks of the Danube had been the scene of their victories; Ismael had fallen before them; and the capture of that place had been attended with such acts of carnage and barbarity, as could not be thought of without horror, and were a disgrace to humanity. Could we wonder, then, that new terrors had been added to the Russian name? Could we doubt that this series of conquest had weakened, and must operate to dismay the enemy? Constantinople itself was endangered; and if this country had not interfered to prevent the utter and impending annihilation of the Turkish power in Europe, the time might not be very remote, when the fleets of Russia would triumph in the Mediterranean, an object to the whole world, of her activity, adroitness, and power, and of our supineness, impotence, and disgrace. He admitted that war was to be deplored under any circumstances, and particularly so in the present state of this country. However anxiously we might regard the operations of the two armies, however ardently we might wish that those projects of ambition might be defeated, yet, as

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long as the Turks appeared able to fight their own battles, it would have been highly criminal to have involved us in fresh expense. A strict attention, however, to present economy, if carried all lengths, might lead to unavoidable expense hereafter, in a most enormous degree. He was confident that no minister had ever been more anxious to revive the drooping credit of the nation, than his right hon. friend. The reduction of that oppressive load of debt under which we had long groaned, was an object nearest his heart. Was it, then, reasonable to believe, that he would wantonly sacrifice his own happiness and fame; that, unless he strongly felt himself impelled by considerations of the most urgent duty, he would retard the progress of that arrangement, upon which he had always depended for his best and most valuable character as a minister? The supposition would be grossly absurd; it could proceed only from the preposterous doctrine, that human nature was not true to its own propensities, and delighted in being faithless to itself.—An hon. gentleman had said, that the measures lately taken by the king's ministers, were extremely unpopular. If he meant to use the term in its largest sense, it was an epithet at which no honest minister would be terrified; but if he meant to confine it to those, whose information and habits enabled them to form the most correct opinions upon subjects of a political nature, it was one that, he was convinced, had neither been merited, nor would be found to have been generally applied. He admitted that the present armament was not likely to meet with that universal approbation which attended the last, after a manifest and palpable insult had been offered to the national honour. The most illiterate mind could understand when this country had been insulted, and the spirit of an Englishman would be always eager to insist upon reparation. But in the present case, something more than mere uninformed intellect was necessary; and it would be setting a low value indeed, upon experience, talents, and knowledge, the fruit of a whole life's application and labour, if no measure of state, however expedient, no negociation, however complicate, and no war, however politically just, were entitled to applause, unless they fell within the comprehension of the meanest and most unenlightened individual. But he was happy to find that the present servants of the Crown had been actuated by no such unworthy motives; they had not scrupled to disturb the calm, which they perhaps might long have continued to enjoy; and they had done so to avert the storm, which was gathering in the north, unlikely as it was to burst over this country, till long after they should have ceased to have the care of its interests. They had, therefore, desired his majesty to negociate a peace between Russia and the Porte, and to increase his naval establishment, in order to add weight to his mediation. The negociation was then depending; and being so, though no man could be more interested than himself, in maintaining the power and dignity of the House of Commons, he deprecated its interference; not upon the ground of personal confidence in his right hon. friend, but upon that which had been marked out by the constitution itself. That House, as the fountain of supply to the Crown, had a power, the extent of which could hardly be limited; and God forbid that it should have less! It was contemplated by the whole world with an admiration little inferior to our own. And why? Was it on account of its adventitious power? That was a poor and pitiful theme of applause. It was because it had used that power with wisdom, temper, and moderation. It had followed those sacred laws which reason and the spirit of the constitution had framed; nor had ever separated responsibility from its proper attendant, the exercise of discretion.

Lord *North* * observed, that if he could have agreed with the noble lord in reposing unlimited confidence in ministers, he should have done it; but no confidence in any minister would justify that House in entailing destruction on their fellow subjects. The noble lord had observed, that his knowledge on this subject was very partial. He was in the same situation, but he perfectly comprehended the resolutions of his hon. friend, and therefore should vote for them. He wished to know who was to pay the price of all this expense? He concluded, that by the treaty with the king of Prussia, Great Britain was not bound to give assistance to her ally, unless that ally was attacked. The hon. gentleman who spoke last, thought that we were not bound by any treaty, though the whole of the argument had gone on

* George Augustus North; afterwards third earl of Guilford. His lordship died April 20, 1802.

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the ground that we were bound by the faith of treaties. The treaty was a treaty of defence, and obliged Great Britain to go to war only after our ally had been actually attacked. It might fairly be contrasted with that extraordinary treaty lately entered into in India, by which we were bound to make war on a specific prince, till the nizam and Mahrattas were to be satiated with plunder. That treaty went no farther, and Heaven knew that was far enough! By the present system, we were to take up arms whenever an opportunity should offer for the oppression of the rest of Europe. He would admit, for a moment, that such a system was founded in justice and policy, and that the present war was not inconsistent with humanity; but still he was at a loss to know how it could be proved that Oczakow, in the hands of the czarina, could hurt the interests either of Prussia or of this country. The court of Berlin had never been very supine or inattentive to its own interests, and yet the late king of Prussia had guaranteed places of infinitely more importance to the empress than Oczakow, which had been in her hands for three years, without making any complaint. She had greatly extended her conquests, but the House had been assured, that she was ready to give up every place, except Oczakow and the country around it. Suppose that Constantinople had once more fallen back into the hands of a christian power, and some of the finest provinces of the world were a little more civilized, was the king of Prussia most likely to suffer? But, after all, was the power and aggrandizement of their ally their only object, and were they to pay no attention to their own domestic situation? This country was flourishing, owing, in some degree, to certain regulations which had been made, and to the increase of commerce, and the invaluable consequence of security; at the same time, according to the opinions of some, our expenditure had always exceeded our income. An armament must always bring on this country a very heavy expense. What was it that called them to this war? Holland was bound to them by her interest and inclination; Spain, it was evident, did not consider the concessions she made us to be of the same consequence that we did; and whoever attended to the state of France, would not expect much harm from her, at least while she remained in her present situation. However they might disagree about the calamities she must undergo in passing from despotism to liberty, they must all subscribe to the truth of the position, that no government could be established in that country, which would not prove more favourable to the tranquillity of Europe than their old one. This, therefere, was a favourable moment for reducing our establishment, and turning our attention to the cultivation of peace. But there was an enmity between Russia and the Porte, and we were to be undone if Oczakow were added to the empire of Russia, the limits of which extended from Poland to Kamschatka. This, it was supposed, might be fatal to the commerce of Great Britain, or in some degree destructive to the liberties of the Porte. Here, then, was the impending calamity, and which was about to add to the burthens of a people already too much taxed. Being thoroughly convinced that the armament was unjust and unnecessary, he should give his warmest assent to every measure that could put an end to a war from which no earthly good could possibly arise, and which must inevitably produce the worst consequences.

Mr. *Powys* could not give a silent vote when he observed the length to which gentlemen in office carried their claim for confidence, without giving the smallest explanation of their conduct; and he must assure the House, that neither the zeal of the noble lord who moved the previous question, nor the eloquence of the hon. gentleman who seconded it, would satisfy the country, that parrying the question in that manner was either fair, honourable, or decent. In the present critical juncture, the country had a right to an explanation of the minister's conduct and causes for going to war, and their representatives had a right to demand that explanation in parliament. To be sure they had, by a former vote, gone the first step, but did that imply that they were to follow it up with approbation to those who contemptuously denied them every species of information? This they never could do, without giving up all pretensions to that honour and integrity of character, which ought to accompany all their actions. If the blind and implicit confidence so much recommended by the noble lord was adopted, it would be infinitely more destructive than the war that threatened the country, inasmuch as it would give a stab to the constitution itself. His majesty's ministers themselves

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did not claim support on that ground. Other gentlemen had said that this was merely a measure of expediency, and that the national character and honour were not pledged. One hon. gentleman had observed, that if the measure was not just and politic, the House ought not to adopt it. Mr. Powys first considered the justice of the case, and remarked, that the mediation of Great Britain was neither called for on one side nor the other, but that it had been obtruded upon the parties. This sort of mediation was therefore inconsistent with those moral duties which ought to govern the transactions of one country to another. Those principles had been exchanged for the more enlightened principle of self-interest. How did Great Britain know but that she was making herself the involuntary ally of Russia? Was there any immediate danger from the present state of France? They had been told that they should risk nothing by the war. The right hon. gentleman had contended, that the least diminution of the territory of Turkey was a cause for Great Britain going to war. Granting that we were to attain our end, would it secure peace to the world? Would not Russia feel herself disposed, on every favourable opportunity, to retaliate upon Great Britain? The time must come, when the right hon. gentleman would vote a supply to carry on this armament, and it was incumbent on the House to know what were the objects for which the supplies were to be voted.

Lord *Belgrave* said, that by "implicit," he did not mean a blind confidence; he meant only that ministers ought to have a full, not a half support.

Mr. *Ryder* said, it was easy for gentlemen on the other side to use hard words, apply their own opinion to them, and then draw inferences from that opinion; he, however, could not but think that ministers had acted wisely in not suffering themselves to be provoked to reply, as they could not have done so without violating that duty which they owed their country, and betraying her dearest interests. For a blind confidence he should never contend; but he must say, that a confidence ought to be given to ministers to a certain extent, not arising out of the obvious arguments urged by ministers, because it was evident that they could urge no argument, without betraying their trust to the public. What could an argument from that side of the House on such a subject consist of, but a statement of the circumstances of the negociation, which would render it impossible for either party to retract, if they wished to do so, and consequently throw obstacles in the way of adjustment. It had been argued, that calling for confidence, without stating some information to the House, was a perfect novelty. He was surprised at the observation, as the same conduct had been pursued over and over again in our own country. In proof of this, gentlemen would recollect the instance in 1716, when armaments were sent into the Baltic, and yet ministers had said no more to parliament then than had been said now. In like manner did they remember, that in 1726, when Russia meditated the overthrow of the king of Sweden, ministers preserved a like silence? In 1733, when Poland was the subject, the same confidence had been asked and granted. As far as confidence went respecting the present object, that House had already voted their confidence when they gave the vote of supply, and addressed his majesty, assuring him of their support.

Mr. *John Thomas Stanley* said, he opposed the motion originally made, and would vote for the previous question; not because he denied the truth of any of the propositions, some of which were incontrovertible, but because this was not the time for them to be brought forward. He would say, in opposition to what had been advanced, that the support he intended to give to ministers on this occasion was not founded on grounds of implicit confidence. He disdained the word, and so much did he dislike the idea of giving implicit confidence to any man in a House of Commons, that had no arguments suggested themselves to his mind, in addition to the confidence which he owned might assist in determining his vote, he would have waved it all, and have given a decided vote against measures that tended to involve the country into a war. He was not in such habits of intimacy with any gentlemen filling the high stations of office, as to be by them biassed in his opinion, or governed by partiality. The confidence he gave, was not the confidence to which private friendship laid a claim: it was founded on what he knew of the minister, from the public measures of the minister; and as these were approved of, surely every individual had a right, without betraying the trust reposed in him by the

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country, of giving a degree of confidence and credit to the minister who asked for it, and who declared, in the most manly manner, he held himself responsible for the use he might make of it.—He owned it had required all the strength of his mind to resist the specious eloquence and plausible arguments, which had fallen with such force of language from a right hon. gentleman, during the last debate on this subject; he had been shaken by it, but fortunately not overcome; for the more he had thought on the subject, the more convinced he was, that every argument was not on the other side; that many strong ones might be adduced on this side, not only in support of an armament being necessary to enforce the present pending negociation, but even in support of a war, should a war be found ultimately necessary; and he warned the House against that eloquence he felt so strongly the effect of, and which the minister could not now counteract, from the necessity he was under of preserving silence, and which he told the House he could not depart from, without departing from what he deemed his duty. Did his majesty's ministers ask for a power to declare war? No. An armament fitted out to give weight to a negociation, had artfully been represented as a direct attack on Russia, and equivalent to a declaration of war. Mr. Stanley could not consider the one as the same with the other; and by no means thought the obligation the minister was under of giving information to the House, the same in one instance as in the other. It was very probable there might yet be no war; negociation might succeed, and the effect of the armament we had authorized the minister to make, might yet be found in a short time most advantageous, and the very cause of that established, permanent peace, so much expatiated on by gentlemen opposite, and certainly so desirable in every respect for this country.—But should the obstinacy of the empress force the minister to an opinion that a war was necessary, are we so much to dread it? Are there no reasons why Russia should not remain unmolested, and mistress of her own will, in what concerns materially the interests of the great republic of Europe? Are there no reasons why we should not force her to listen to us, and insist on her paying some attention to our negociations? Yes, there are, and powerful reasons. The minister has told us it is necessary to shew a resolution of preserving the peace of Europe; that without a vigorous step taken to enforce negociation, it will be rejected. He asks for the exercise, in this delicate posture of affairs of a discretionary power which the constitution allows to the executive government. Let gentlemen but consider the character of the sovereign who refuses to accept our unenforced proffers of mediation. From the day she was seated on the throne of the Russias; did she not discover an insatiable thirst of power, and an unlimited desire of extending her territories, immense as they were, to still more distant boundaries? Was it not evident her ambition aimed at no less than the title of empress of the East, and that she wished to be saluted as such on the ancient throne of the eastern emperors, while her ambition, unsatisfied with this object, still would lead her to be the directress of every cabinet and every council in the western division of the whole world? To show why we should entertain such an opinion of her ambitious views, let us only trace back her conduct from the present period to the commencement of her reign! let us recollect her attempts to unite the powers of the Baltic in a league against us; let us recollect her more late attempts to govern the two courts of Sweden and of Denmark; let us recollect her intrigues in the kingdom of Poland; her success in placing a monarch on the throne of that kingdom, and her invasions of the late king of Prussia's dominions. We shall have next to observe her conduct in obtaining possession of the Crimea, and previous to that, her strong desire shown of acquiring a share in the trade of the Mediterranean. The Crimea, wrested from the hands of the Turks, let us see what was her subsequent conduct with regard to it. The Kham, who by treaty was to have been left an independent sovereign of the country, is invited to Russia accepts estates in the kingdom, and commissions in the army of the empress. The Crimea, in the mean time, is invaded by her troops, on the pretence of quelling rebellions; her authority is established; she garrisons every town, and, at an immense expense, travels from Petersburgh to the borders of the Black Sea; builds a town, and changes the name of the country, she has so completely annexed to her dominions, to the pompous name of Taurida.—In the new capital of this her new kingdom, the future center of so much power and grandeur, she receives as visitors the

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sovereigns of Austria and of Poland; and there this new triumvirate lay the plans of conquests and aggrandizement, which we are to see accomplished, not only without interference, but with complacency. These steps alone were sufficient to justify any alarm the Turks might have conceived; but how much more cause of alarm had they, when an unheard-of, an undreamt-of claim, is made on them of the province of Basarabia, and the towns of Oczakow and Akerman, on no other pretence, than that formerly this province had been governed by the Khams of her new Taurida. This insulting, arrogant claim was followed by a refusal to give up a fugitive hospodar, accused by the Turks of treason against the state. If, in consequence of such violations of all faith; if, in consequence of conduct so alarming, so insulting, so hostile every way to Turkey, the Turks resolve to keep peace no longer, can we say they are the aggressors? No, certainly not; the empress alone can be considered as such; and the Porte, in declaring war, acted only from motives of self-defence, and Russia was virtually the aggressor. In prosecuting the war, her arms have been successful; the force of almost the whole Russian empire, and of the emperor, is brought against the Turks. Oczakow is taken; Bender is taken; Ishmail is taken: the emperor is as successful on his side; and Constantinople, almost alone of his former dominions in Europe remains in the hands of the Grand Seignior.—Has Europe to apprehend no danger from such aggressions? I rather think it has: and if the system of preserving a balance of power on the continent, is consistent with our true interests, now is the proper time for interference. I might say, that it were safest and wisest for this country, in its present exhausted state of finance, to abandon foreign alliances, and foreign interference altogether; but this would be merely a matter of opinion; and at present, gentlemen on both sides seem agreed that the system is necessary: they only differ about the means; and I too must agree, that at present the system cannot be dropt at once: by degrees only can those systems be relinquished, which have been followed for years and reigns, and on the propriety or impropriety of which, men's opinions are much divided. The empress refuses so listen to all negociations, unless permitted to preserve Oczakow: and now the question rests upon the importance of this place. We have been told by gentlemen on the opposite side, that Oczakow is a place of little consequence; in the midst of a desert country: and impeding in no way the navigation of any ship from Cherson, a place not calculated in the least to be a check to the attempts of any nation possessing the Crimea and the Cuban, to command the commerce and navigation of the Black Sea. To this description of Oczakow, I would answer, that its importance is such, that the fate of Constantinople itself absolutely depends on it; that the safety of the southern provinces of Poland depends on it; that the projects of the empress, with regard to the future prosperity and consequence of her new empire of Taurida depend on it. Oczakow is the only fortress of consequence, and likely to stop an army between the frontiers of the empress and Constantinople: this she insists on keeping. She generously offers to give up provinces unprotected and defenceless, and which she may take, whenever the nations of Europe are so embroiled, as not to have it in their power to prevent her. Ishmail is dismantled, and could not in ten years time be made a place of sufficient defence; the passages of Mount Hemus, it is true, may be easily guarded; and the armies of the empress would find it no easy matter to proceed by land to Constantinople: but where no fortress overlooks her new acquisitions on the borders of the Black Sea, where the Turks are bereft of every port to which they may retire, and from whence her motions may be watched, she may convey her forces by sea to any station as near Constantinople as she pleases; forts are surprised, batteries are silenced, and the Russian standard may be flying on the towers of the grand seignior's palace, before an European court can have been informed that the empress meditated an attack.—But she may disdain to take the capital of the Ottoman empire for a while; she may consider it as too easy a prey; and in the mean time while we are looking with indifference on that part of the world, according to some so unconnected with our interests, the prosperity of her new country is rising fast towards its meridian. Possessor of provinces the richest in the world, such as Astrachan, Georgia, the Crimea, and parts of the Cuban, in which are to be procured every article requisite for the construction and fitting out of fleets; possessor of the navigation of rivers, down which, stores and productions of every

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kind may be brought, either from the interior provinces of her own dominions, or the provinces of Poland, and of Moldavia and Wallachia, she will be acquiring a strength which, in a few years, will be increased to a degree that will give those countries alone, independent of her northern provinces, a power that will alarm Europe: be capable when it pleases, of overrunning every province of the Turks; will make even Poland fearful for the fate of her southern provinces, and prove most fatal to the safety and consequence of so near a neighbour to them as Prussia. An extensive commerce will be its own. Whenever Turkey is overpowered (and the time must come, if we watch not this growing country, when Turkey will be overpowered), at once the riches of all these provinces surrounding the Black Sea will be poured into the Mediterranean; navies sufficiently powerful to protect this commerce, and even to aim at conquests, will break into the Mediterranean at the same time. Are we to consider, with no jealousy or fears for our commercial interests, such probable consequences resulting from the increasing power of the empress, and the total state of inability to counteract all these designs, in which the Turks will find themselves, if we consent to what Russia requires? And have the Turks no strong fortress near Cherson and the Crimea, on the Russian side of Constantinople?—But if Prussia is fearful, are we not to pay some regard to her interests, when we find them combined with our own, though no treaty obliges us to step forward in her defence? It has been said, that the treaty we have with Prussia has been but of little advantage to us; but is it fair to say so? Was it not to Prussia we were indebted for the re-establishment of our alliance with Holland? Is it not to Prussia that we owe, at this moment, the existence of Sweden, as an independent kingdom? Did not Prussia prevent her total overthrow, by threatening to invade the rich province of Holstein, unless the Danes withdrew the forces they had already sent into Sweden? And may we not believe, that our alliance with Prussia, and, by Prussia's means, with Holland, contributed some little towards bringing the Spaniards, in our late negociations with them, to the terms which we insisted they were to comply with?—Prussia has been of service to us; and it would be ungrateful in us not to allow this: but if gratitude between nations is never to be admitted as an argument, let us consider how our commercial interests are likely to be affected by a war, should a war ensue. Our trade to Turkey has been much undervalued. I pretend not to say, with any degree of exactitude, what our exports to the Levant have amounted to, during these last two years: but from good authority, I have heard, that in the last year they have not been much short of 800,000*l*. This, however, is certain, the trade is increasing rapidly, and has been increasing ever since the French interest at Constantinople has been on the decline. The Turks are every day more and more imitating our manners, and accustoming themselves to require our manufactures, and the articles we export to their country; they are emerging from their inactivity and indolence, and improvements of various kinds are introduced among them. Printing presses have been very lately established in their capital; and we may reasonably hope, that soon the demand for our articles of exportation in Turkey will be very great, and that we may count the Levant among the best markets our manufacturers have.—But our Russian trade, many cry out, will suffer; that is a trade we cannot lose; we want it for the support of our shipping. In answer to this, let it be considered, that if we suffer some inconveniences from a suspension or interruption of this trade, the power with whom we are at variance will suffer infinitely more. The immense sums of ready money we send to Russia for the purchase of the raw materials we import from that country, for the use of our dock-yards, are what sustain the credit of the paper money now circulating in Russia, at a discount of 50 per cent. The balance of trade in favour of Russia, to the amount of 1,500,000*l*. is paid in the most advantageous manner to Russia, in the most disadvantageous manner to ourselves. Our merchants pay a year beforehand for the goods they purchase; for those they sell they allow six months credit: besides those, they labour under other disadvantages, from which the merchants of every other country are exempted. They must pay the duties and customs at Riga and Petersburgh, one half in the coin of the country, the other in dollars, and these dollars are only taken at such a price, 50 per cent. lower than they can procure them for: which, of course, is an increased duty of 25 per cent. which our merchants

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have to pay more than the merchants of every other country.—Surely, so unfavourable and mortifying an exception should not incline us to think the empress friendly to this country; as one who loves the English, who is grateful for all the advantages she reaps from our trade; and one whom, on these accounts, we should be particularly fearful and cautious of offending. But wherefore is it, may be asked, that she has tried so to mortify our pride, and forced our merchants to submit to such indignities; for such exceptions in her ports, to our disadvantage, are indignities? Because she thinks she has us in her power; and that under the necessity of trading to her country for such and such articles we can procure no where else, we must submit to those conditions she chooses to impose. But let her beware! fortunately the Baltic is not all her own; fortunately, there are other ports in that sea, besides hers, to which our merchantmen can have access; I mean those of Memel, of Dantzic, of Elbing. To those towns the articles we most stand in need of can be brought, not so conveniently, but not with much more inconvenience than to her port of Riga. Riga hemp, the most essential article to us that we import from the Baltic, grows chiefly in the northern provinces of Poland; from thence it is sent down the rivers to the Russian ports; but it might be sent down other rivers, which rise in the same provinces, to other ports; it would be difficult to procure the same quantity for some time by this new channel; but in time this would be the case, and the quality of the hemp so procured, would be the same we now buy from Russia. When trade once changes its direction, it is not easily brought back to its ancient course. The empress is not a woman whose passions blind her to her own interests, and those considerations must, therefore, have their weight in her mind.—Before I conclude, I must now add, that though for the reasons I have given, I do not think a war with Russia, should she refuse to listen to our negociations, would be inexpedient or unjustifiable, on the principles of policy or of justice; yet, considering how very exhausted this country is, I might hesitate more than I do in giving my vote for measures that may lead to war; but I repeat, that I let my opinion be influenced, in addition to these reasons, by the confidence I have in the minister. Jealousy, it has been well said, is an old parliamentary word we should not lose sight of; I do not, but reserve a place for it in my bosom against future times, when other ministers may govern; but to a minister who, for seven years, has served this country as our minister has done, I give confidence: to a man who has recovered England from its lowest ebb of misfortune; who has restored order to our finances, which were believed almost irretrievable; who has raised us to our former place among nations, from a state of general despondency; to such a man I must give some confidence, and of his principles I cannot bring myself to harbour all at once mistrust and jealousy.

Mr. *Whitbread* said, it had not originally been his intention to have offered himself to the Speaker's notice that night, but that of late he had been particularly anxious to catch his eye, because he wished that a line of discrimination should be drawn between those gentlemen who maintained, as some had done in the course of the debate, that the doctrine of confidence was that of the constitution, and those who thought it both strange and unconstitutional. He, for his part, did think it both strange and unconstitutional; it was a doctrine which he would deprecate with his earliest and latest breath in that House; a monster with which he would grapple wherever it appeared, and use the utmost of his efforts to overthrow and to crush. In every debate on every subject, since the short time he had had the honour of sitting in parliament, this doctrine of confidence had met him, and wherever it had met him, he had been alarmed; it had served in place of argument for every measure that had been proposed on the other side of the House; it had served in place of an answer to every argument which had been adduced for any measure that had been brought forward on tha side of the House. When the part of the community by whom he was sent to parliament elected him their representative, he conceived that they had placed a confidence in him, on the express condition that he should repay it, not by confidence in others, which he would never bestow, unless extorted by the urgent necessity of circumstances, but by the liveliest jealousy and the most active attention. The great precept which constituents gave to their representatives, was to take care "Ne quid damni caperet Respublica."

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They were delegated to watch, to check, and to avert every dangerous innovation; to propose, to adopt, and to cherish every well weighed improvement, and bound, by every tie of nature, honour, and religion, to deliver to their posterity the constitution unimpaired, and without the smallest derogation. How could that be done, if gentlemen delivered up their consciences, bound hand and foot to the minister? The noble lord who moved the previous question, and the right hon. gentleman (Mr. Ryder) who had spoken since him, had not used any arguments to the point; and indeed the right hon. gentleman had said he would not discuss the resolutions then before the House, and in that he had strictly kept his word: but as he knew that it was not from want of ability or eloquence that this happened, he was warranted in concluding that the ground on the side which they endeavoured to maintain, was not tenable. The chancellor of the exchequer had enveloped every thing in mystery and darkness: to borrow a quotation from the classical learning of the noble lord, and to apply to the chancellor of the exchequer a character to which he had a peculiar and distinct title, for he was the soul, the vital principle, the providence of the other side of the House, into whose hands gentlemen delivered up themselves, their consciences, and their votes, whose acts they bowed to and commended, and whose dark, inexplicable ways they did not pretend to scrutinize or arraign, he would say, "Nube polum pater occupavit;" and to carry on the idea, which the noble lord had given him, he would say, in the words of another poet,

"Ipse pater, media nimborum in nocte, coruscâ,
"Fulmina molitur dextrâ."

We see the baneful effects of the right hon. gentleman's policy; but the causes are far removed from our view, and wrapt in obscurity. He was determined not to deliver his conscience, and powers of thinking, into the possession of any minister whatever; he would never be accessary to reducing the House of Commons to the degraded state in which it once was, when they were told, "Ye are met here to grant subsidies, but not to meddle with matters of state; those are questions far above your reach, and appropriated to the prince alone, or to those ministers with whom he is pleased to entrust them;" and from this abject state they had risen, not by confidence in any minister, or series of ministers, but by laborious exertions, by jealous attention to their own rights, and by active investigation of the conduct of the servants of the Crown. Having feebly attempted to establish what, however, he strongly felt, that it was his right and duty to investigate the conduct of ministers, he should proceed to state the reasons why he thought the resolutions proposed by his hon. friend ought to be adopted by the House.

A right hon. gentleman (Mr. Ryder) had said, that examples of applications to parliament, under circumstances similar to the present, were numerous, and had mentioned a variety of precedents, particularly one of the year 1726, when sir J. Norris was sent into the Baltic, (of which he would take some notice hereafter); but he contended that no minister ever came to parliament for supplies in a manner so unconstitutional as the present chancellor of the exchequer had done.—The causes of the armament had not been avowed or explained, and great eulogiums had been bestowed upon the minister for his secresy; it was allowed he gave no information, but it was at the same time insisted upon that none was necessary. Gentlemen wished to know nothing. In private life, a proper mixture of openness and secresy begot friendship between man and man; but it would appear strange, were a person to say, "The more mysterious and concealed your conduct is, the more satisfied shall I be that it is right; the less you tell me of what you are doing, the more shall I believe you are doing well; and I then shall be most contented with you, and have the highest opinion of your integrity, when you tell me nothing at all." But this was precisely the language held by gentlemen respecting the minister. Every thing here was to be guessed at; it was to be conjectured why the tranquillity of the nation was to be disturbed: and it must be remembered that those "shoes were not yet old" in which members had come down to vote supplies for an armament which a right hon. gentleman (Mr. Dundas), to gild a little the pill of taxation, and make it go down with some degree of facility, had said was to procure permanent tranquillity to this country; it had struck such terror, and had such an effect in Europe, that no power would venture to interrupt our repose. What

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was the effect the right hon. gentleman boasted? What was the security we had bought? Our fleet is scarcely dismantled, our seamen are scarcely turned adrift, before, with arrogance and insolence, we offer our mediation to two contending powers. That mediation was rejected with contempt, as it well deserved, and we are obliged to arm again. And for what had we interfered? To prevent as we are to conjecture, Russia from becoming so strong, as to endanger the balance of power in Europe! It was a speculation not unworthy a politician, to consider whether, in effect, Russia, by her conquests to the South, was increasing in strength and power. For his part, he considered every accession of territory to her in that quarter, as an accession of weakness; that her empire, by extension, became more unwieldy, and less to be dreaded. And if that were really the case, the true policy to be pursued, the true method to prevent her becoming formidable to the tranquillity of Europe, would be to suffer her to pursue her schemes to the South; to suffer her to fight, and weaken herself. In his opinion, Russia could only be formidable, when her attention was entirely applied to her northern possessions, and when the momentum of her vast empire was given to Petersburgh. And upon this subject he desired to remark the contrarieties of opinion adopted by the minister. It had been said by a right hon. friend of his on a former occasion, and had not been denied by the administration, that Great Britain, in concert with the king of Prussia, had stirred up the Porte to make war upon the empress: the apprehensions then entertained were, that her attention was too much alive in the north, and this scheme was to divert it towards the south; now, circumstances were entirely reversed, and all our fears were of her aggrandisement in the south. But let the idea be carried to its farthest extent, and suppose that the empress could realize all her imputed views of ambition, and get possession of Constantinople, and expel the Turks from all their European provinces: would any unprejudiced man contend, that by such an event mankind would not be largely benefited? Would any man contend, that the expulsion of a race of beings, whose abominable tyranny proscribed the arts and literature, and every thing that was good and great and amiable, would not conduce to the prosperity and happiness of the world? He was convinced it would. Those countries endowed by nature with every advantage, and suffering through oppression the most abject misery, would revive, and be productive of sources of commerce beneficial to every nation. This was an event, with which the paltry consideration of the nice adjustment of the balance of Europe was not to be put in competition, although he was a friend to the preservation of that balance, upon broad and liberal principles. Supposing that this event had actually taken place, could any body imagine that so vast an empire, extending from Petersburgh to Kamschatka and Constantinople, could subsist under one government? Did not experience tell us that empires, when they become too vast, always broke in twain? If they did subsist under one government, would not the internal regulations of such an extent of territory sufficiently engage the attention of its sovereign, to prevent her molesting or interfering with foreign powers? If they divided, would not a new creation, as it were, arise, fruitful in blessings to itself and all the world? He abhorred the wretched policy which could entertain a wish that the most luxuriant part of the earth should remain desolate and miserable, that a particular system might be maintained. But was Oczakow, and the desert around it, seriously considered as the point on which the balance of Europe hinged? Was it contended, in earnest, that by the possession of that fortress, the empress was more likely to possess herself of Constantinople than without it? His hon. friend had observed, that in the late war, the Russian army had got as far as Mount Hemus, the pass of which the grand vizier had only 10,000 men to defend. Her fleet was also as far as Varna, more than half way from Oczakow to Constantinople, and yet peace was made, without the acquisition of that capital by Russia.—But if he might venture to hazard a conjecture, it would be, that Oczakow was held out to the world as the pretence for this armament, when in fact its object was the aggrandisement of the king of Prussia. He had heard it suggested, and he believed it to come from pretty good authority, that the object of that monarch was the acquisition of Thorn and Dantzic: that we favoured his views, notwithstanding we were guarantees for the security of those towns; and that because the empress resisted this

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idea, she was to be thwarted and punished by an endeavour to wrest from her the only place she wished to retain (and that for her security alone) of all her extensive conquests. In short, we were to sacrifice the empress and ourselves to the ambition of the king of Prussia. What were we to gain by this transfer of our friendship? Would the alliance of Prussia compensate for the loss of that of Russia? The former could only supply us in case of necessity with land forces, and those only in parts of the world where we were least likely to want them; for it was stipulated that they should not be employed out of Europe. Russia, on the other hand, might assist us in time of war, in a very essential manner, by adding to our naval strength; but in case of a rupture with Russia, our trade in the Baltic would be liable to the greatest annoyance from that power; the disadvantages which would arise to this country, if the war was prosecuted, were numerous and manifest; the advantages which the warmest advocates of the minister would contend for, must be allowed to be distant and precarious.—With regard to the instance of sir J. Norris being sent into the Baltic, he would just take notice of the issue of that armed negociation. Sir J. Norris was sent to the Baltic with a fleet for the express purpose of accommodating a peace between Sweden and Russia. The czar, Peter the Great, rejected the mediation with scorn. During the time the English fleet remained in those seas, an engagement took place between the Swedes and Russians, which our admiral was not able to prevent, nor to assist our allies the Swedes, and they were worsted; so that after all the expense and trouble of the armament, our ships returned to their ports *re infectâ*. The answer which was sent by the czar's resident at Copenhagen to the British admiral, was worthy, at this particular juncture, to be mentioned. Sir J. Norris informed him, that he was come to negociate a peace between Sweden and the czar his master: to which the resident replied, "that if he was really come for the purposes of negociation, he thought he might have taken a more compendious method, but that he had no instructions to treat with him." In dispatching your fleet to the Baltic, could you say, as upon former occasions, to your sailors, "Ite alacres et spe pleni?" Could you tell them they were going to avenge the injured honour of their country, to punish a haughty and irreconcileable enemy? Or could you hold out to them, as a reward for their valour, the rich captures they may make? You must be silent on all these topics of encouragement; and although he revered as much as any man the enthusiastic valour of the British fleet, which had achieved the wonders which had raised this country to the highest pitch of glory: and although he was confident they would be victorious over all dangers, however great, and disgusts, however poignant, yet your silence would too plainly tell them they were going, without prospect of reward for their toils, against their ancient and natural friends, and to destroy the very sources from which they used to draw their subsistence.—From all these considerations, he contended that the resolutions were highly proper, and that it was the duty of the House to adopt them.

Sir *William Young* contended, that the House might safely and properly confide in ministers on past experience of their conduct, without any of the information demanded by the other side of the House respecting measures of which the grounds were not at present fit to be disclosed. Were the House to pay no attention to feelings and predilections, flowing from experience: were they not to augur well of the future from a knowledge of the past: were they to demand a previous explanation of every measure of government, they might as well vote a cobler chancellor of the exchequer. To ask for proofs and explanations in the present instance, was, perhaps, to defeat, certainly to weaken the measures respecting which proofs and explanations were asked. Without having received any information from ministers on the subject, and without desiring any, he was ready to argue from maps and information accessible to all the world, that our interference in the war between Russia and the Porte, was both politic and necessary. We had much to dread from the aggrandizement of Russia as a maritime power. We had much to dread from her keeping possession of Oczakow, which commanded the mouth of the Dnieper: and when the Dnieper was traced to its source, whoever commanded that, would appear to command great part of the trade of Poland. This increase of maritime power we were to follow from the Black Sea, through the Dardanelles into the Mediterranean, where it would assume its true and most formidable ap-

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pearance. And would any gentleman say that Great Britain was not interested in preventing the growth of a maritime power in the Mediterranean, which in time might annihilate her own? The restraints already laid by Russia on our trade were of the most unfriendly and injurious nature from which we might judge what her conduct would be when her power became greater, particularly should those naval stores, which she now sold to us, be rendered necessary for her own augmented navy. In addition to these considerations we were bound to interfere to maintain the efficacy of the alliances we had contracted. We stood in need of a naval ally to assist us in whatever part of the world we might want assistance. Such an ally we had found in Holland; and what did Holland require in return? That her back frontiers should be protected. For this we had provided by our alliance with Prussia, and it was our interest to take care that Prussia should not be disabled from affording that protection. Were Russia to obtain an accession of power, were she to be permitted by our supineness to extend one arm over the Baltic and the other over the Black Sea, the consequence must be that Prussia would be rendered incapable of affording that protection to Holland, without which the alliance of Holland could be of no service to us.

Mr. *Sheridan* said, that, although he had several times presented himself in vain to the Speaker's eye, he never felt it more unnecessary to trespass on the time of the House than then, since, if ever there was a cause supported by the ablest arguments that ever were urged on one side, and opposed by flimsy delusion on the other, the cause discussed that day had been that cause. Not even any argument had been offered by the hon. baronet who spoke last, and who had traversed all Europe, traced the history of the navigation and commerce of Russia, from the earliest times; described her back frontiers, and all parts of her dominions, and expatiated with as much familiarity concerning the Dnieper and the Danube, as if he had been talking of the Worcestershire canal, and pictured the empress as a female Colossus, standing with one foot on the banks of the Black Sea, and the other on the coast of the Baltic; and yet, in spite of this fund of knowledge and ingenuity, all that the hon. baronet had said, did not amount to an argument against the motion, which, in his mind, was entitled to the smallest weight. From the right hon. gentleman opposite to him (Mr. Dundas), who was something like a minister, though not actually one, he expected to have heard important reasoning; but he presumed he had continued dumb, because if he had risen to speak, it might have been suspected that he knew something, and thus have broken in upon that impenetrable mystery, and that magnificent silence which was to characterize the day, as far as regarded the conduct of those who alone could have afforded the House the information which they had a right to expect. Those who had risen to speak had professed that they knew nothing of the cause of the armament, or had indulged themselves in stating what they guessed to be that cause; thus the sum and substance of all the arguments against the motion had been professed ignorance on the one hand, or avowed conjecture on the other. If, then, they were to guess only from conjecture, and to argue from maxims drawn from maps and books, was it possible to come at any satisfactory knowledge on the subject? Good God! are maxims drawn from maps and books the cause for which an English House of Commons are to plunge their country into a war, and waste the blood and treasure of their constituents? The reasons stated by different gentlemen, among their guesses of the causes of the war, were not more different than extraordinary. One right hon. gentleman had assigned something that looked like an argument, which might account for the chancellor of the exchequer's silence. He had stated, that if his right hon. friend said any thing relative to the negociation, it might put it out of the power of the negociating parties to recede or retract what they had advanced, and thus render a war unavoidable. Did the right hon. gentleman, then, think it necessary to recede and retract any of the blustering menaces which he had made to Russia? If he did, it ought to be avowed, that an opportunity might be given for such retraction. But that right hon. gentleman, who had talked of the minister's receding, had also alluded to one matter as the cause of the war, from the bare mention of which he shrunk with horror; he had hinted at the armed neutrality, and at the possibility of this being a fit opportunity for retaliating and revenging that measure. Were we, then,

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to go to war for so base a purpose, as to give vent to the lodged hate and burning resentment which had been avowed to have rankled in our bosoms for so many years? He hoped not. The same right hon. gentleman had talked of the partition of Poland. Were they to resent that event at this crisis? If so, it ought to be avowed. But he would not believe that any of these could be the cause of the war. He would rather turn to the noble lord, who had, in his opinion, acted in a more open and manly way, and rested the argument on its true ground. The noble lord had expressly avowed that he gave his consent on the ground of implicit confidence in the minister, and had even gone so far as to declare, that he should consider it as criminal in the minister, if he gave the House any information whatever on the subject. The ground of confidence had shifted materially since its first introduction three years ago. They had then heard of rational confidence; since, a greater degree of confidence had been talked of, and now the noble lord had avowed that he gave the minister implicit confidence. Had they not better at once appoint the right hon. gentleman dictator, and give him the power of making war and peace just as he thought proper? The noble lord, who had, on a former occasion, shown himself very much attached to the ancient Greeks, had appeared not to be so much attached to the modern Greeks, and had said, "See what a faithless set of people these modern Greeks are!" In what, Mr. Sheridan asked, did their treachery consist? He knew of no such treachery, and he owned that he should rather have expected that the noble lord, with a classical indignation, would have lamented that the descendants of Demosthenes should not be orators, statesmen, and soldiers, but an unfortunate race of men, kept only to pamper the false taste and degraded appetites of the Ottoman court. So much out of humour had the noble lord proved himself to be with the modern Greeks, that he had been betrayed into a perfidy of quotation, and had quoted a Latin line, to his surprise, Mr. Sheridan said, when he had expected a line of Homer from him at least.—With regard to what had been said of that House invading the prerogative of the crown, if they interfered with negociations, he was, for one, always ready to confess, that the just prerogatives of the crown should be kept sacred; but those were no friends to the prerogative who advised the exercise of it in the extreme, and endangered its proving obnoxious to that House. The best government, under the practice of our constitution, consisted in a wise blending and co-operation of the executive and legislative branches of it. The king certainly might, if he pleased, make what treaties he thought proper, and keep them from the knowledge of parliament, if he was so advised by his ministers; he might also make war and peace, and in doing that, confidence was reposed in those on whose shoulders, as a counterpoise, responsibility lay. But the moment they came to that House for support and assistance, confidence was at an end, and the hour of inquiry and control was arrived. But what he wished to contend for was, that ancient, constitutional, and most useful function of a British House of Commons, namely, their capacity of advising the crown, and of being enabled, by a due application and exercise of their preventive wisdom, to save the country from that expense and calamity into which they might otherwise be plunged, either by the error of ministers, their imprudence, their neglect, or their corruption. If the House of Commons were to be deprived of that important function, and were never suffered to exercise their preventive wisdom, their chief use, as a deliberative assembly, would be lost to the public, and the whole powers of that House would be reduced to two dry points: the power of the purse, and the power of impeachment. Thus, instead of consulting them as advisers of the crown, they would be reduced to the miserable condition of acting upon public measures in the last fatal instance, that of loading their constituents with the expense of them, when it might afterwards turn out that they were measures not fit to have been pursued; and, in that case, all left for them to do, would be to prosecute ministers to punishment. If the purpose of a message from the crown should be at any time to tell them that the enemy were at their doors, and therefore supplies must be granted, he certainly should first ask, on whose account they were called upon, and how it happened that they had not before been apprized of the public danger? but he should grant the supplies on account of the exigency of the case. The hon. gentleman opposite had wondered that they should speak of the proceedings as a

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novelty, and remarked, that they were totally ignorant of the constitution of parliament, if they did not know that it had been the practice of ministers, in similar cases, to ask for support, and give no explanation at the time. Ignorant, indeed, he confessed they must be, if the case were so; yet he could not but imagine that the gentlemen who were so ready to give their confidence blindly and implicitly, were themselves so confident, that they ventured to quote precedents, without ever having given themselves the trouble to see whether they would support their argument. It so happened, that all the precedents from the year 1700 downwards, were against them, and in favour of what he had just contended for. In the case of the war of 1700, there had been a desire of preserving the balance of power in Europe, and king William had applied to the House on the occasion. Mr. Sheridan read from the Journals the message of king William, and the address of the House in answer. In the one, the king states the purpose of his application, and calls for the advice of his Commons, and in the other, the House tells his majesty that they will give him their advice, as soon as they are fully informed on the subject, and desire that all the treaties entered into by his majesty may be laid before them, that they may be able to offer him their mature advice. It appeared from hence, that king William, in the instance which he had read, did not think it beneath him to ask the advice of the House of Commons, and they had heard what the language of the House had been in return. As the hon. gentlemen on the other side might not like a precedent so near the Revolution, he would turn to another of a more recent period, that of 1734. So far from the ministers of that day calling for the confidence of parliament, the king placed a confidence in his parliament, and put the whole business into their hands.—Mr. Sheridan declared, that he could not but wonder that the House bore with patience the cant of responsibility, which was preached to them by all who contended for confidence. They were eternally saying, give ministers implicit confidence; have not they the responsibility? as if they considered responsibility as a perquisite of office, rather than the peril of their situation. If they felt the case properly, they would shrink from the bare mention of responsibility, instead of being eternally talking of it, which convinced him that they considered responsibility as a protection, and as another word for indemnity. The other evening, when the unclaimed dividends were under discussion, a declaration had been made by one of the bank directors, which appeared to him at the time to be most extraordinary. In mentioning that much might be lost to the bank by forgeries, one of the directors had observed, that their custom was to let the persons presenting forged bills for payment have the money, and not prevent the commission of the crime, because, unless the felony were suffered to be completed, they could not prosecute, and make an example. Mr. Sheridan reasoned on the absurdity of this practice, and compared it with that of letting a minister, by unwise measures, plunge the country into a depth of calamity, from which it could not be easily extricated, merely on the idea that such a minister might be made an example of afterwards. What would they think, if those who opposed the right hon. gentleman saw him hurrying on the country to ruin, and, instead of resisting his destructive measures, were to say, "Stop awhile, we are aware that ministers are getting into a fine scrape, and then we shall have the satisfaction of making them an example." In both cases, prevention, he maintained, would be preferable to punishment: and if the bank forewent the hope of making an example, and prevented the felony from being completed, they would do much better, and save their money; and, in like manner, opposition did their duty best, in endeavouring to rescue their country from ruin, and their constituents from taxes, by checking a minister's career in time. With regard to the motives of the war, Mr. Sheridan said, he did not think them of great importance; but the grounds of it seemed to him to be so extravagantly ridiculous, that he could not convey his sense of the arrogance of our interfering better, than by supposing that Russia had treated us so at the end of the last war, and letting the House feel it as their own case. Suppose, when we were making the peace, she had insisted on our giving up Negapatnam, in the East Indies to the Dutch: extravagant as this might appear, it was not more so than our insisting on her restoring Oczakow to the Porte. Suppose, then, that she had made a point of our resigning Negapatnam to the Dutch, meaning on her part to give it to

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Denmark, or some other of her allies. What should we have said to such a demand? The answer would have been, what has Russia to do with our possessions in the East Indies? We should have repelled the demand, and treated it with contempt. Suppose, in that case, the empress had sent a fleet down the channel, and burnt Hull, in its way to London, where on her arrival, she was determined to enforce her negociations, by acting as an armed mediator: should not we have thought that Russia acted most arrogantly, and unwarrantably? And yet, her conduct in that case would not be more extraordinary than ours in the present instance. He shrewdly suspected that we were led on by our allies, and that the real cause of the war was a Prussian object in Poland. Suppose, however, that we went on with the war, and, in the end, the emperor obtained what he wanted in Moldavia and Wallachia; the empress what she wanted in Turkey; and Prussia Thorn and Dantzic; in that case, he would venture to predict, that the lot of England would be to pay the piper, and that the expense which we might incur would be all that would fall to our share. —Mr. Sheridan next adverting to the chancellor of the exchequer, arraigned his conduct, and declared that he should not be afraid to go through his whole political life, and would undertake to prove, that most of his measures had been pregnant with mischief to the country. In the moment of bringing forward each, the right hon. gentleman had said to the House, "Give us your confidence; we are responsible!" Confidence might not, Mr. Sheridan said, be always well applied. He asked, whether the right hon. gentleman recollected the very different prospects which we had been taught to turn our eyes to in this year? Did he recollect that this was the year 1791, the promised Millenium; that halcyon year, in the spring of which we were to taste the sweets and blossoms it was to produce? Did the right hon. gentleman reflect, that he had told them that they should not only have their income equal to their expenditure, but a clear million a year surplus to pay towards the diminution of the national debt, and a permanent peace establishment? Mr. Sheridan contrasted this with the actual state of the moment, the immediate prospect of another war, and the certainty of additional taxes. The people, he observed, would not bear the intolerable burthens under which they must then groan, unless the right hon. gentleman came fairly forward, and assigned a satisfactory ground for going to war. There was not one gentleman in the House who really saw a motive for it which he could reconcile to any reasonable idea. With regard to confidence, he declared he should not give his confidence to ministers to treat with foreign courts, unless the first department of office, in which all our foreign negociations lay, was rescued from the hands of a person who, to an overcharged conceit of his own abilities, added the rashness which always must attend inexperience, and placed in the hands of a man familiar with foreign courts, and possessed of dexterity and simplicity sufficient to enable him to discharge the duties of the office with skill and with success. By dexterity, he said, he did not mean that cunning which another person mistook for craft, and that craft for wisdom; he meant dexterity to discover and ward off the devices and intrigues of foreign ministers and others, and simplicity to follow the straight-forward path of open manliness and plain dealing himself. He would leave it to the House to make the application of this contrast, but unless a department of so much importance, considering the present situation of foreign courts, was placed in such hands, it was impossible for him to give confidence at such a time to ministers; nor had they, in fact, any right to expect it from him who had uniformly and openly resisted the right hon. gentleman's measures.—Mr. Sheridan next turned his attention to the conduct of the right hon. gentleman respecting Holland in 1787, for which praise had, on all hands, been candidly allowed him. He declared that if he were asked if, as a single measure, he rejoiced at it? he should without hesitation, answer, that he did not; because he never could rejoice at seeing the stock of liberty diminished, and, by our interference, that noble republic was again reduced to the miserable state of vassallage under which she had so long groaned; but, when he considered that it was probable at the time that Holland would have become a province to France (though subsequent events had proved that it could not have been the consequence) he was ready to join in commending the conduct of the right hon. gentleman on that occasion. But if it were true, that the recovering our connexion with Holland was

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nothing more than a part of a system, and that the fortress of Oczakow was to be traced from the canal at Amsterdam, he should reprobate it in the strongest terms. He would fairly declare, however, that he did not believe the right hon. gentleman entertained an idea of any such system at the time. He suspected that his measures had carried him much farther than he had ever intended to go, and that the pretence of its having been a part of a predetermined system, was nothing more than a salvo assumed for the purpose of covering the extraordinary conduct of the right hon. gentleman.—Mr. Sheridan here descanted on the chance of our next year having fresh press warrants issued, and being called upon to arm, in consequence of an alliance having been formed between Poland and Russia. He went through a summary of what had passed in the different courts of Stockholm and Madrid, during the administration of Mr. Pitt, and imputed blame to him on the events of each. He also said, that among other evil consequences of the pernicious system arising out of the treaty with Prussia, it had fastened on us a concern with the Germanic league, and that we should be lugged in as parties to the measure. He declaimed against the system, and said, let us call it any thing but a system of peace; let us say it is a system of ambition, of vain glory, to see the offspring of the immortal Chatham, intriguing in all the courts of Europe, and setting himself up as the great posture-master of the balance of power, as possessing an exclusive right to be the umpire of all, and to weigh out in patent scales of his own, the quantity of dominion that each power shall possess. Was not the right hon. gentleman establishing a princple which would make it the interest of all India to act against us? Was he not attempting to stand forward as such a peace-maker as the peace of all Europe would make it necessary to exterminate? Mr. Sheridan mentioned the conduct of Mr. Elliot in Sweden, and having stated what had passed there, he referred the House to the speeches of his majesty, which had all told them that our court had continued to receive the strongest assurances from foreign powers, that there was no danger of tranquillity being disturbed; and he desired them to compare what had happened from time to time. With regard to the revolution in France, he did not mean to go into the discussion of that subject; his opinion upon it remained fixed, and would continue the same; but there was one point which all mankind agreed in rejoicing at, as a consequence of the French revolution; and that was, that she could no longer go about intriguing, and setting the rest of the courts of Europe at enmity with each other. Were we, he asked, willing to take up the little, busy, tattling spirit of intrigue, that worst part of the character of France, and run about producing fresh wars and fresh disturbances? He had thought that nothing could have induced him to lament the loss of French enmity; but if such was to be the case, he should do so most seriously. He had hoped that what had happened in France would have served as a useful lesson, and that we should have had leisure to have improved by studying it.

Mr. *Dundas* said, that he should not detain the House, which, by the general cry for the question, he saw was impatient. He assured gentlemen that if they were indisposed to hear him, a single hint would have the necessary influence upon him. He did not mean even to strive to answer the eloquence which they had just heard; indeed, the present situation of his health would not permit him; but he rose to speak briefly on that which seemed to be the leading objection of gentlemen to the measure which ministers had deemed it essential to the honour and interests of the country to pursue. He was well aware of the vantage ground on which gentlemen on the other side could speak, when they could chalk out the line of their own arguments, and address them to the question just as they thought proper, at a time that they perfectly well knew their adversaries were restrained by a sense of duty from meeting them on the same ground, and therefore rather than violate that duty, they were willing in spite of all the obloquy that could be cast on them, to persist in the silence which had been held to be so blamable. He declared, he was not dismayed at all by what had been said by the hon. gentleman who had just sat down, and was not afraid of maintaining the argument of that day, on the very ground which the hon. gentleman had made the subject of a great many remarks, interspersed with as much inflammatory declamation as he ever had heard delivered, if the House was willing to hear a dry address to their understandings instead of an address to their passions.—It was loudly said, that the House

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was called upon to engage in a war, without receiving information of any kind. This was not the case. His majesty's message, and the address of the House in answer to it, simply declared, that his majesty had thought it advisable to interfere in the war between Russia and the Ottoman Porte, and he had applied to the House to make an addition to his marine establishment for the year, to give effect to his mediation in restoring the tranquillity of Europe. Here, then, was only an application for support in an armed negociation, not in a war, and it was for the House to say, whether it was proper that his majesty's ministers should disclose any of the grounds upon which they proceeded while this negociation was pending. If this negociation should fail of producing its intended effect, and a war should be inevitable, then would be the proper moment for the House to require information before they should think fit to give ministers their support.—With regard to the pending negociation, it would be impossible to form a judgment upon the subject without having the whole negociation, before them, and calling for all the papers of his majesty to all the different courts with whom he had corresponded. Under the circumstances of the case, would gentlemen think it prudent in them to call for or in his majesty's ministers to lay any such papers on the table at present? He begged gentlemen to attend to the distinction which he took. Was he to be told, that his majesty's ministers were to be interrupted in the hour of negociation? Was he to be told, that in the moment when they came to parliament, merely for an increase of force, to carry on a negociation which they declared to be necessary, they ought to exhibit the reasons of their conduct, or the objects of their policy? If gentlemen were ready to abridge the prerogative of the crown in this respect, he begged that they would speak out.—Much had been said about confidence. He would explicitly say what he thought was the sort of confidence which his majesty's ministers ought to receive from parliament. The constitution, both in its theory and practice, had wisely said, that ministers should receive just so much confidence as was necessary to enable them to discharge the functions of the executive government; remembering, that for their discharge of those functions, they were responsible to parliament. In particular, this confidence was to be given to them in their negociations with foreign powers, and in their use of the king's prerogative of making peace and war. Such was the sort of confidence, which it was wise, and prudent, and necessary to give to ministers; and such confidence the House had already reposed in ministers; for, in their answer to the message, they had declared that they would increase the marine establishment, to give efficacy to his majesty's armed negociation. That armed negociation was now going on; and while it was going on was the empress to be told, were all the courts of Europe to be told, that there was in the British House of Commons a large body of leading, powerful men, who thought that the object of the negociation was unjust and inexpedient? Was it wise or political thus to clog the wheels of government? Was it proper or necessary, in the present state of the negociation, to demand reasons, or seek for knowledge? He hoped his right hon. friend would maintain the firm ground he had taken, and would not yield to the calls, however loud or vehement, to expose a syllable of the ground more than in his discretion and prudence he thought fit. It had been said by the hon. gentleman, that in all former cases, from the revolution downwards, when the House was called upon to support the crown in the exercise of its prerogative of making war, information was given to them of the reasons. This information he would take upon him to say, was only given when war was begun. He heard, he said, a denial of this assertion from the opposite side of the House. He would then qualify his assertion: he confessed that when a war was resolved upon, and ministers came to the House of Commons for support, they should have the reasons that induced the king's ministers to go to war, laid before them; but were members ready to say, that before matters came to that issue, the two houses of parliament should interfere, and demand the reasons of the conduct of the king's ministers, in regard to foreign powers? They had heard of the theories and the practice of other nations, and it was the fashion to praise and boast of a Revolution in a neighbouring kingdom. Was it the intention of gentlemen to introduce into this country one of the new theories of government which had been introduced into practice in another kingdom? Would gentlemen say, that the

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prerogative of making war should be taken from the crown, and placed in that popular assembly? The House was not ready he hoped, to go that length. If, then, it was still to be exercised by the crown, ministers must have confidence; and what had his right hon. friend done to have it said, that he was no longer worthy of the confidence of that House? In his opinion, he still deserved the confidence of parliament as fully as he ever enjoyed it; and he would follow the hon. gentleman through several of the instances in which the hon. member said he had forfeited his claim to it. Here Mr. Dundas enumerated two or three of the instances alluded to by Mr. Sheridan. "The King's speeches had given us assurances of peace since Oczakow was taken." This was no argument of deception, for when the speeches said so, ministers might think that the Turks were equal to the conflict, and that there was no occasion for our interference. In the instance of the armament for the recovery of Holland, he referred to the candid and manly language of Mr. Fox, who had borne honourable testimony to the wisdom and policy of that measure. In the instance of the Spanish armament, he could not help remarking on the very inconsistent conduct of the hon. gentleman who now disputed the policy of the Spanish question, and, at the same time, within two sentences said, that when the king's message was brought down on the subject, stating that an insult had been offered to the British flag, the House flew to arms to resent the aggression. Mr. Dundas drew from his reasoning the conclusion, that in all Mr. Pitt's measures, he had acted so as to deserve the continuance of that confidence which he had received from parliament and the country.

Mr. *Harrison* said, that the system alluded to so much, appeared to him to be a system of delusion, and that it threatened to involve us in all the calamities and expenses of a German war.

The previous question being put upon the first Resolution, the House divided:

Tellers.

YEAS	Sir Jas. St. Clair Erskine Mr. Adam - - - - -	173
NOES	Mr. Neville - - - - - Mr. Rose - - - - -	253

So it passed in the negative. After the division,

Mr. *Fox* said, that the sullen and obstinate silence of the minister, when he was about to plunge the country into a war, could not, and should not, be endured. After the division that had just taken place, the right hon. gentleman must be convinced by that division, that his war was unpopular; that the country was roused from the lethargic state in which it had so long lain; and that the day of confidence and delusion was passed. He must therefore account to that awakened country for the deceptive language which from year to year, he had put into his majesty's speeches from the throne; and until he did answer, he must expect to have motions, day after day, until that minority, so threatening to him in its first aspect, should become a majority. Prevention was the true wisdom of a legislative body. It was childish to talk of the miserable power of punishment, when they had the wholesome power of preventing the misconduct that should, if suffered, make punishment necessary. He had no doubt, therefore, that some gentleman would give notice of another question on the subject, even in the course of this week, when he certainly should strive to draw from the right hon. gentleman an answer to the questions, which, in the present moment, were so essential. He meant an account of his conduct in making the king's speeches, for the last two years, hold forth assurances of peace, when Oczakow, the only object of the war, was in the hands of the Russians.

Mr. *Pitt* said, that no rude words addressed to him by the right hon. gentleman, should prevent him from calmly declaring, that when his majesty had stated to the House in his speeches from the throne that he had received the most amicable assurances of their good will, such had been the language of the several courts; and if any of them had since thought proper to take umbrage at any part of his majesty's measures, that did not affect the validity of the assertions at the moment.

Mr. Baker gave notice, that he would on the 15th, bring the subject before the House in a new shape.

The other resolutions moved by Mr. Grey were then put, and the previous question on each was carried without a division.

Debate on Mr. Baker's Motion respecting the Armament against Russia.] April 15.

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Mr. *Baker* said, that when he considered the magnitude and importance of the subject, he felt he was by no means equal to the task. He confessed, however, he had been relieved from much anxiety by the very full and ample discussion which the subject had already undergone, at least on one side of the House. After so full a consideration of the business, little more remained for him than merely to collect some of the scattered points which had been already laid before them. He contended that it was an essential privilege and right of that House, to inquire into the grounds upon which the minister called for a supply for carrying on a war; and they could not do justice to their constituents, unless they did in a very jealous, strict, and scrutinizing, manner, make that inquiry. This matter having been twice before the House, gentlemen might think it quite unnecessary to discuss it again. Perhaps this might have been true, if there had not arisen upon every part of the subject, in every investigation of it, something new, curious, and extraordinary. The subject matter before them was a communication on the part of the crown, of an intention to increase the naval force of the kingdom, in order to enforce a mediation which had been entered into, and which had proved unsuccessful. This, taken as an abstract proposition, contained nothing that could excite the jealousy of the House, provided a true account had been communicated of the situation in which the country stood. All they could collect from the minister was, that the object of this armament was to support the interests of Great Britain, and other great and important objects. These were stated to be the two grounds which they had in view in supporting this mediation. The indefinite terms that had been used in his majesty's message had raised jealousy. It was well known that the mediation had been carried on not only by his majesty, but by his majesty in conjunction with his allies; it therefore became that House to examine the nature of the connexion which had led this country to interfere on the present occasion. This was a voluntary mediation on the part of Great Britain, and unsolicited by either of the contending powers. The object of the mediation was to bring about a peace; but he begged of them to consider the situation in which members of that House stood. They came there to speak the language of their constituents, and might well be supposed to do that, from the connexion which had been recently renewed between them. It became them to consider well the nature of their trust, as representatives of the community at large. They had a right to insist on an explanation of every measure by which expense might be incurred. He held that it was constitutional language in the fullest sense. He knew it might be said, that it was improper for parliament to interfere in the business pending negociation. He said, no negociation whatever would be in the smallest degree affected, by laying before the House the end and object of the war. The last time the business was before the House, his hon. friend had laid down a proposition which he conceived was strictly constitutional; and he should follow it by another resolution stating, that it was the right of that House at all times, to know the object of an armament before they imposed any new burthens on their constituents. The little that was said on the other side tended principally to parry every kind of argument that had been used to show that the House had a right to interfere, and to call for an explicit declaration of the object for which every armament was intended. On all former occasions, in every material case where supplies had been granted for increasing an armament, the object had been distinctly explained to the House. He was not ashamed to say, that he felt something for the people and their wishes; and no man in the country wished that the war should go on. The House had given a decided vote, but had given it in such a way, as to show that the public had begun to reflect seriously on the subject. He hoped the House would act on that, as they had done on a former occasion, in a former parliament, when they had stood firm and fought manfully for a great constitutional question, and were not disheartened by numbers. He trusted that this matter would be brought on in different shapes, and would not be abandoned. He hoped that gentlemen, of infinitely greater abilities than himself would take it up, that their numbers would increase, and that they at last would gain their point. He should move two resolutions: 1. "That it is at all times the right and duty of this House, before they consent to lay any new burthens on their constituents, to inquire into the justice and necessity of the objects, in the prosecution of which such burthens are to

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be incurred.—2. That no information has been given to this House, which can satisfy us that the expenses to be incurred by the present armament, are necessary to support the interest of these kingdoms, or will contribute to the great and important object of restoring the tranquillity of Europe on a secure and lasting foundation."

The first Resolution being put,

Mr. *St. John* seconded the motion, and commented on the new doctrine of confidence, urged by ministers, which he thought unconstitutional in the highest degree, and which, in his opinion, it was a criminal forfeiture of duty not to oppose. The present minister, he believed, was the first who ever ventured to call upon parliament for supplies, and at the same time refused to tell to what purpose they were to be applied. His silence was said to be occasioned by a regard for the interests of his country; as the disclosure of the reasons for the present armament would be injurious to the public. This was specious, but not satisfactory; and this silence was the more alarming, when contrasted with the practice of former ministers in the best of times, who never were so indecent as to ask for money, without accompanying the demand with an avowal of the object to which it was to be applied. Some attempt had been made to justify this doctrine by precedent, but there the defence failed most miserably; for there was not one instance in which the country had been called upon to support an armament, for which no express motive had been alleged. The precedents had been drawn from the reigns of George 1, and George 2, but in every instance, some specific ground had been stated, which rendered an armament necessary. Nothing of this sort appeared in the present message, and whatever was deficient in the message, had not been supplied by ministers. It had been said, that the armament was to give weight to his majesty's mediation; but these expressions were so vague and indefinite, that, for any thing the House knew to the contrary, it might be destined against the Turks as well as the Russians. The message simply stated the want of success of his majesty's mediation, and demanded an addition to the naval force. In any demand which involved a grant of supplies, it became the duty of the House to inquire into the occasion which rendered those supplies necessary; as it became the duty of ministers to afford the necessary information. No information had before been given of any probability of an interruption to tranquillity. Even the persons against whom the force was to be directed were not stated.—As to the general argument, that the king of Prussia was endangered by the progress of the Russian arms to the southward, it was refuted by this plain circumstance, that the late monarch of that kingdom actually gave a subsidy to Russia in her war with the Porte, and at a time when the Russian troops were nearer to Constantinople than they were now.—But if the necessity of an armament was admitted, that necessity must have existed in some degree in December last; and why were our ships then dismantled, and our seamen dismissed? If it was done for the sake of economy, the purpose was not answered: for the new bounty, and the other expenses of raising volunteers, were equivalent to the sum that might be saved from their pay. We had saved no money by the measure; and if an armament was necessary, we had lost the advantages to be expected from it. It had been supposed that the state of the Russian finances was such as might induce the empress to retract her present claims, and leave us the glory of having forced her from them. He could not pretend to much knowledge upon this subject; but certainly, if the empress compared her finances with ours, she might discover sufficient symptoms of derangement in the latter, to to save her from any terror upon that head. — A commercial treaty with Poland had been thrown out as one of the objects for which we were engaged in a war with Russia; but, if commerce was to be the end of war, it should be remembered, that this new trade, of which the profit was uncertain, could not be carried on but by the means of another power, while that to Russia was certain as to its profit, and independent of any assistance for conducting it. It became the House, at a moment so critical, to exercise their full right of discussion and inquiry.

Mr. *Cocks* said, he rose to condemn a measure which appeared to him to be useless to the country. The war was unnecessary, and undertaken without stating one single reason for it. He was thoroughly convinced that it was impossible, in the nature of things, that a war undertaken by this country to preserve the town of Oczakow in the hands of the Turks,

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should ever compensate for the loss and expense which would be occasioned by it. The empress of Russia might carry her conquests to Constantinople; but she might not; and if she did, he was at a loss to comprehend how we should be hurt by that event. It was very probable, that the Russian empire comprehending so large an extent of territory, if the empress got possession of Constantinople, she might not be able to keep the northern dominions, after she had so far extended her conquests to the south. She could only be induced to extend her conquests for the sake of her trade. The industry of the people of this country was greater than that of any other; therefore, they had nothing to fear from the empress of Russia, or any other power in Europe. To go to war merely bscause the minister said, they ought to go to war, was extremely absurd. The measure was big with ruin to the constitution; and threatened destruction to the finances of the country. He believed that there was both good and evil attending revolutions; it was their business to adopt what was good, and to shun the evil. There was one principle in the French revolution which could not be doubted, and that was that war should not be entered into unless for the purpose of self defence. This was not an age when ministers, or king's favourites, or king's mistresses, or the mistresses of ministers (nobody would suppose that he intended any imputation on the right hon. gentleman opposite) could make war merely for their own will and pleasure: that age was past, and he trusted that this country would never engage in a war, from blind confidence in any minister.

Mr. *Pole Carew* said, he thought it his duty to move the previous question. From the manner in which the motion was brought forward, the object in view, he conceived, was the very same that had been discussed by the House in another form. From the conduct of gentlemen opposite one would suppose that it had then, for the first time, been intimated, that it was for the interest of the country to interfere. But it must be in the recollection of the House, that his majesty, in his speech from the throne distinctly stated that he was desirous of employing the weight and influence of this country in restoring the general tranquillity of Europe. The principles of our constitution had wisely lodged in the crown the power of making peace and war, and that must necessarily be attended with so much confidence as to enable the crown to exercise it. He concluded with moving the previous question.

The Hon. *John Eliot** seconded the motion. He said, that the minister had not concealed the object of the armament, but the grounds of the negociation which was pending, and which he could not reveal without a breach of duty. An hon. member had said, the king's message was worded in such general terms, that it was not possible for the House to know whether the armaments were destined against the Turks or the Russians. But the man who could seriously say he did not know against which of them the armaments were destined, must shut his eyes to conviction. The same hon. member had also said, that our disarming when we knew that we must arm again, was a most unwise measure. The most natural conclusion would have been, that our having disarmed was a sign that we did not then think we should have occasion soon to arm to again. No man would controvert the proposition, that the House had a right to inquire into the causes of every supply that was granted by the public; but at the same time there were exceptions to this general rule. When the situation of the country made it improper to make the inquiry, it ought not to be done. The opinion of that House had for a long time been, that it was improper to inquire at all times. If the gentlemen opposite had thought it proper that all the particulars of a pending negociation should be laid before the House, they would have moved for them; and as they did not, he might from thence infer, that they were convinced it was not right to lay them before the House. They had expressly voted already for the first part of the armament. The mere object of this motion was not against granting the supplies, but to put an end to the war. This was to judge of the grounds for carrying on the war. What was the ground upon which they could say the war ought to be put an end to? Before they could do that, it was necessary to know the object of the war; and did they know the object of the war from parliamentary documents? The House, by their conduct, had clearly said, that documents ought not to be before

* The present Lord Eliot. He succeeded his father, February 28, 1804 [A. D. 1817].

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them. It was true there was the Russian memorial, but on that they could not much rely. It was drawn up in terms calculated to give the different courts of Europe a bad impression as to the motives of the British court and of its allies, and to inspire them with an opinion of her own moderation, and the goodness of her cause. There was much art in that public instrument, against which gentlemen could not be too much upon their guard. Could they suppose that Russia, without money, would at that moment go to war with this country and her ally.

Mr. *Anstruther* said, that he allowed, in its full force, the prerogative of the Crown but the object of this motion did not at all effect that prerogative. He would grant, indeed, with the hon. gentleman, that they were perfectly ignorant of every circumstance which had influenced the conduct of ministers on the present occasion; but he was far from deeming this ignorance an argument for a partial confidence, till ministers should choose to afford the means of information. For his part, he had no conception of degrees in confidence: he either gave his confidence implicitly, or not at all. But before any minister should obtain his confidence, he must first state upon what ground it was required, and how it could be given constitutionally; and he must be a person to whom that confidence could be committed with security. But a degree of confidence was now required, which had never been claimed on any former occasion. A motion of censure is proposed. His hon. friend (Mr. Grey) moves the question, that, for ought that appeared before the House, the present war was not expedient The minister declines to meet the motion, and in order to get rid of a discussion which he found himself unable to support moves the previous question.—The secrecy which was necessary to be observed during a pending negociation had been repeatedly urged by the advocates of confidence. The secrets of a pending negociation were not now asked to be discovered. It was only wished to be ascertained what was the object of the negociation, not what were the means by which that object was pursued. With regard to means, it was always necessary to employ confidence. All that was now required to be known was, whether it was an object which was really entitled to a sacrifice of blood and treasure. A vague idea had been thrown out of danger from the north. But why was it not stated what the danger was from that quarter, or in what mode it was to be apprehended? Thus we should be enabled to ascertain how far it was formidable, and what were the best means of guarding against it. The demands of Russia had not been stated, so that we did not know how far those demands might be moderate and pacific. It had been said, and not denied, that she demanded nothing but a little spot to secure herself. How could this be a secret? Russia must have disclosed it to the Turks, who were her enemies. He made no doubt but both Russia and the Porte had, without thinking they were doing any thing injurious to themselves, communicated to many powers what the one was willing to give, and what the other insisted upon having. This was all he wanted to know now. But though this was what was probably known to all the courts in Europe, the British minister said he could not communicate it to parliament without danger to the state; and yet he required that the House should vote the supplies on confidence. The minister had in his dispute with Spain, pursued a different line of conduct. He then stated the injury. He did more; he stated that Spain claimed from this country an exclusive navigation of all the seas and coasts in that part of the world. Why, then, were not the claims of Russia stated upon the present occasion? For any thing we knew Russia might be making offers of the most reasonable kind; and we might go to war without knowing why we had undertaken it. Whatever was the result, whether peace or war, we should find it difficult to extricate ourselves from the system in which we were at present engaged, with credit and safety. The principle on which we seemed to have proceeded was, to preserve every thing in Europe on its present footing. The offence which we had given by the adoption of this principle, and by our consequent conduct, had injured our interests much more at all the courts of Europe, than they could possibly be benefited by any advantage which we could reap from the progress of our arms or the influence of our negociations. The country had entered into a defensive alliance with Prussia, and then they acted offensively, in order to keep every power in Europe precisely in the same situation. What was the plain English of all this? That it was the business of England to

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stand up as the arbiter of all Europe, to keep all the powers at peace, to keep them as they are, and for that reason to go to war without ever inquiring into the justice or propriety of it? A more dangerous and extravagant principle had not existed since the time of Louis 14. — It had been alleged, that confidence was due to the minister, on account of having been so successful. His majesty in a former speech, had informed the House that it was his wish to prevent the extension of hostilities abroad, but at the same time he assured them that this country had nothing to dread from that quarter. He afterwards informed them, that he had succeeded in his object of preventing the extension of hostilities. Strange it was, that, at a time when Turkey was attacked by Germany, and surrounded by Russia, at a time when Belgrade and Bender were taken, there should then have been heard no mention of assisting the Turks against these powerful combined foes, or of supporting them under such circumstances of exigency and distress. During these two years, in which we had been receiving assurances from his majesty of the pacific aspect of our affairs abroad, Oczakow had been in the hands of the Russians. But the most remarkable circumstance was, that his majesty, in his speech upon the dissolution of the last parliament, said not a word about the state of affairs in Europe. He recollected an instance of a similar line of conduct being pursued in Spain, to that which the minister had adopted in this country. The Spanish minister, in 1734, had chosen to find a pretext of quarrel with the emperor of Germany, on account of his preponderance in Poland. Other powers had for two years been publishing manifestos, during which the king of Spain had remained silent. His minister, in order to account for this silence, said, that it spoke his indignation as pointedly as the most violent manifestos. Upon the same principle, the minister would justify the silence of his majesty; and to be sure he must be allowed to have been indignant, so far as silence was the test of indignation. The manifesto of the Spanish minister, notwithstanding the ingenuity of the reasoning, was treated with contempt by this House, as the message of our minister would be by all the other courts of Europe. The demand of confidence must appear rather strange, seeing the necessity of that confidence had arisen from the practice of a system of deception. The conduct of the minister had been a deception upon the country, it had been a deception upon the belligerent powers, who, if he had sooner declared his intentions, might have been saved part of the vast effusion of blood which had been expended for the two last years. If any conduct merited the appellation of weak and wicked, it was the conduct of the minister. It was equally deceitful and fraudulent to this country, and to the belligerent powers. Though we had not actually war, yet the nation was burthened with the expense of an armed negociation. A distinction was made between the power of the sword and the purse; yet that distinction was but of little value, if the strings of the purse were put into the hands of those who held the sword. The hon. gentleman who moved the previous question had advanced, that, in a defensive treaty, there subsisted between the parties a connexion of interest beyond what was expressly stipulated in the treaty. Nothing could be more pernicious than such a doctrine; it was carrying that sort of treaty beyond whatever had been understood or explained; it was leading into engagements, the extent of which could never be ascertained; it was rendering the resources of this country subservient to the necessities of Prussia: it was, in fact, rendering Prussia a part of England; it was submitting our blood and treasure to the disposal of the court of Berlin.

Mr. *Martin* said, that some gentleman had laid much stress on the difference between an armament and a war; but in his mind, an armament that seemed to lead to a war, was a subject of such importance to the country, that some reason ought to be given, before ministers called upon that House for a vote of confidence or approbation. While negociation was going on, he had no objection to confidence: but when the money of their constituents was asked for, it was proper to know upon what grounds it was to be given. He had heard the other day, with great pleasure and admiration, the speech of an hon. member (Mr. Sheridan) on the present subject. A more brilliant, as well as truly constitutional speech, he had never heard; but the argument in that speech which had most forcibly struck him, was this, that, according to their summons, the members of that House were called the king's counsellors. Now how

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could we counsel the king unless he layed before us the necessary information? Or were they to be called upon only to give our advice with respect to the constructing of canals, the paving of streets, and the widening of the highways?

Mr. *Yorke* avowed his respect for the rights and privileges of the House; but he contended, that no effort had been made, in the present instance, to deprive them of any power to give advice. It was certainly the right and privilege of that House to know upon what grounds they voted away the money of their constituents; but he entertained doubts whether this right was to be exercised at all times indiscriminately, or only upon those occasions where it might be done with safety and propriety. He submitted whether it was necessary at the present moment. The gentlemen on the other side had considered the subject as if the question had been, whether they ought to go to war? He conceived that was not the question; but whether they would strengthen the hands of his majesty, in order to effect a mediation between Russia and the Porte, and thereby restore the general tranquillity of Europe? a point which his majesty could most easily effect when he had his sword by his side. He thought the question before the House, was, whether we should have any continental alliances. When we wanted assistance, alliances were said to be very comfortable things; and then we cried out, why have we not more alliances? But when our allies wanted our assistance, this was not so pleasant. He thought that we were bound by the spirit of our defensive alliance with the king of Prussia, to assist him at the present moment. If they wished to give the other nations of Europe an idea of the justice, honour, and dignity of the British nation, they would certainly support their ally. If they did not, they would not find an ally in Europe. The king of Prussia had stepped forward against the Dutch when it was for the interest of Great Britain, and he had a right to expect that Great Britain would now assist him. Did we not consider the defeat of the French cabals and the patriots, at that time, as a matter of essential importance to us? Such was his conduct then, when our interests were concerned; such should ours be now, when his interests were perhaps deeply involved, Besides, it would be found, upon consideration that we were not less interested to prevent the aggrandizement of Russia, when we recollected, that if we suffered her to continue complete mistress of those parts now in dispute, it would always be in her power to annihilate our growing trade with Poland. —It had been stated that this country was in a wretched situation, and that the king's ministers were weak and wicked. When foreign states heard men of great weight in that House, speaking in indifferent terms about the state of public credit, he conceived that this must be attended with bad consequences.— It had been said that Oczakow was of little consequence to the empress. He conceived that her being possessed of one of the banks of the Niester was of very considerable advantage to her. He thought at present, that it was improper to be more minute in their inquiries into the object of the war. It had been said, they did not know the object of the war; whereas his majesty had plainly told them in his message, that it was the restoration of general tranquillity in Europe.

Lord *Fielding* inveighed against the unconstitutional and dangerous doctrine of confidence, which ministers and their friends seemed daily more anxious to press upon the House. He believed there never was an administration, who had so little title to confidence as the present, and who, upon all important occasions, had withheld from the House and the country, every thing that could explain their measures or satisfy the people. In November last, they had demanded, that an augmentation of ten sail of the line should be made to the ordinary peace establishment, without stating any cause; and since that time they had made an addition of six sail of the line, without giving any one reason for their conduct.

Sir *J. St. Clair Erskine* said, that ministers and their friends had laid it down as an established position, that the House had no right to know the grounds upon which an armament was to be prepared, and additional burthens to be laid on the people to defray the expense of it. This was, in his opinion, as unconstitutional and alarming as any thing that ever ministers had ventured to come forward with in any House of Commons. A nice distinction was attempted to be drawn by some gentlemen between an armed negociation and a war; for his part, he considered an armament like the present much more likely to produce war than peace. But they had gone farther, and

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said, that the side of the House on which he stood, wished to infringe upon the prerogative of the crown, because they called for explanation pending a negociation. Now, he contended, that it was perfectly constitutional, for the House to know what occasioned this armed negociation, before they agreed to support its consequences; and if this was denied them, and implicit confidence on ministers insisted upon, he must think that all duty to constituents was overlooked, and nothing remained of the privileges which the House had always boasted that they possessed but the name. The friends of ministers claimed confidence for an armament; and if they obtained that, certainly those who encouraged them to arm could not oppose their going to war; and by these means the House, without any information whatever, was to be duped, first to support an armed negociation, next, most probably, a war, and they were bound to defray the expenses with their constituents money, all upon implicit confidence, because asking for explanation during a negociation, was thought, by ministers, to be infringing on the royal prerogative!—As to foreign alliances in general, nothing had been said against them on that side of the House; but the propriety or impropriety of contracting them, depended entirely upon their nature and extent; and a great difference lay between treaties formed on schemes of speculation and rash ambition, and those entered into for the defence of the country, or its allies, and other purposes that might promote its interests and prosperity. If the arguments used by the hon. gentleman who spoke lately could have any effect, there was an end to all the best principles of the constitution. The hon. gentleman thought the king of England should always negociate with the sword at his side. Whether this was the most moderate and least burthensome way of securing peace to the nation, he would leave the House to determine. But the meaning of all the arguments used by the minister's friends on this point seemed to be, that we ought to follow ministers in all their wild projects, whatever they might be; and that we were to be arbiters to all Europe, and dictate to every nation our terms. If such was the idea of negociating, with a view to preserve the general tranquillity of Europe, he hoped the House would abandon it at once, and act more rationally and constitutionally.—Gentlemen had been told, what he thought was a still greater breach of their privileges, that withholding the supplies to carry on an armed negociation, though no grounds were stated to establish the necessity of it, was infringing upon the prerogative of the crown. In this mode of arguing, that all the privileges and authority of parliament were demanded to be sacrificed to the crown; and by preventing them from interfering when they had the power to do it, any attempt afterwards must be unsuccessful. He compared the situation in which the House was placed to the lion in the fable, who, having paid his addresses to a young woman, her father advised him to have his teeth drawn and his nails paired, that he might be the more acceptable to his favourite: the lion consented, and having submitted to the operation, found himself incapable to obtain the object of his wishes, because he was deprived of all power to bring the father to consent.—As to precedents, none could be mentioned, that were applicable to the present question. Since the accession of the Brunswick family to the throne, there never was an instance of any armament, which concerned the British interests, or any supply to defray the expense of arming being asked, without previously communicating to parliament the causes for it; and all messages from the crown, upon such occasions, had stated specifically the grounds upon which application was made to the parliament.—He approved of defensive alliances, without admitting that, by entering into such an alliance, we were bound to interfere in all the quarrels of our allies. It was no solecism in politics to advance, that our entering into defensive alliances with every state in the world could not be productive of any harm. He could not conceive, unless we had absolutely made an offensive treaty with Prussia, that there existed any right to call upon us now to go to war with Russia. According to the doctrine of confidence, whatever the treaty was, the House were neither to read it nor understand it, but must take it upon the word of the minister, that there was a treaty, out of which a system arose, that obliged us to support Prussia, to prevent the aggrandizement of Russia. The present armament, he conceived to be calculated merely for the purpose of carrying into effect the ambitious projects of Prussia, contrary to every principle of justice

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and humanity. From the consequences that must inevitably grow out of this absurd system of alliance, whenever any thing occurred to diminish the consequence of Prussia, or whenever any matter presented itself that might make her more formidable, Great Britain was bound to support her in her pursuits. He considered Oczakow as only a small indemnification to Russia for the blood and treasure which she had lost in a tedious and expensive war; and thought the demand, on our part, that she should relinquish that conquest, as unreasonable as it was unjust, especially when all the world believed, that the war between Russia and the Porte was instigated entirely by ourselves and the king of Prussia.—He then adverted to the growing prosperity of France, and the commercial benefits that other countries would gain, when we were deprived of the Russian trade. He could not admit the argument, that we were to be equally well supplied with naval stores from Poland, by commanding the navigation of the Niester. Our Russian trade he considered of great consequence; and putting 600 ships and their crews out of employment, was an object worthy of serious attention. The conduct of the empress of Russia seemed to be dictated by unexampled moderation, while ours exhibited directly the reverse: and he must insist, that this country was degraded in the eyes of all Europe, when they were told that it did not become the House to examine into the finances of the country, or to make any inquiry into the conduct of administration, lest other countries should know our weakness, and take advantage of it. If such doctrines were countenanced, it would be better for members to leave their places, and not to pretend to be the representatives of a people, whose interests they were neglecting and betraying.

Sir *James Murray* disagreed with those who argued against foreign alliances. He was doubtful whether an alliance with Poland might not be as beneficial to this country as an alliance with Russia. He said that Oczakow commanded the navigation of the Nieper, being only two miles distant. He seemed to think that the question was argued as if Poland was in the possession of Russia, which was not the case. He denied that the war originated from our foreign alliances; and said, that the propriety of the armament depended entirely upon the state of other courts, according to the best information that ministers could obtain.

Sir *Richard Worsley* described the situation of Oczakow, declaring, that the natural channel was at two miles distance, but ships were often forced, by certain winds that blew at particular periods, within reach of its guns. He declared, from his own knowledge, acquired by his residence among them, that the Turks, though, in point of form they had made the first declaration of war against Russia, had been driven into it through motives of self-defence, from their apprehensions being so justly excited, by the assemblage of troops from all quarters, both Austrian and Russian, into the Crimea, which were preparing to be poured into the Turkish territories.

The Earl of *Wycombe* deprecated the war, as well as the contemptuous silence which the minister screened himself under, and the unwarrantable evasion of every kind of explanation upon a subject of so great magnitude. He earnestly entreated the minister to consider that the late revolution in France had expanded the minds of the people of this country to more enlightened principles of freedom, and that it would not be safe, at this moment, to irritate the nation, by plunging it into a precarious and expensive war. While we pretended to be so anxious about the balance of power, it would not be amiss to pay some attention to our commercial interests at home, lest, for one article, during our ill-conducted and madly extravagant armed negociation, we should see the Russian trade carried on in American bottoms and ships of other nations, while ours which brought in a large revenue to the country, and was a good nursery for seamen, were entirely unemployed.

Mr. *L. A. Grant* could by no means allow that ministers were either weak or wicked; on the contrary, their measures, in his mind, entitled them to the fullest confidence. The present motion, he considered in no other light than tending to impede and embarrass the measures of government, without any substantial ground for that opposition. The conduct of an administration, ten or twelve years ago, was such, as he hoped, no future administration would ever imitate. It was then the practice for ministers to come to parliament on the beginning of every important transaction, and get their sanction to proceed in it: so that they not only shift-

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ed the responsibility from their own shoulders, but, whatever might be the consequence of thir measures, they brought in the sanction of parliament as accessary to their misconduct, arguing that they asked for advice, and had received it. With regard to the armament, they had only to consider whether existing circumstances warranted it or not; and he thought the presumption was, that the minister, having the best knowledge of their circumstances, had acted right, and was entitled to confidence. From the arguments of some gentlemen, there seemed to be a political partiality for Russia, which he did not think she merited; and here he introduced the armed neutrality, the attack upon the Turks, and other matters relative to the conduct of Russia. He ascribed the origin of the present war between Russia and the Porte, to the interview between the late emperor and the empress, which was for the express purpose of dividing Turkey between them. He contended that Russia had often broken the treaties we had made with her, and instanced that of 1766, which gave a preference to our woollen manufactures over those of Silesia. He then went into a detail of the trade between Russia and Great Britain, stating its advantages and disadvantages to this country; from which he deduced arguments in support of the justice of the war. He then came to the expediency. Oczakow, he thought, should not remain in the possession of Russia. He considered the aggrandizement of Russia to such an extent as might destroy the Ottoman empire, as highly dangerous to the balance of power in Europe; and he believed that the trade with Turkey, might be so improved, as to become of greater consequence than that with Russia now was. He feared that the opposition now made to the measures of government, would, in the result, establish a monopoly against us of all those articles which we had such immediate occasion for.

Mr. *Windham* confessed his surprise that the minister, who had been so repeatedly called upon, should not have thought proper to rise and state to the House how this war came to be either necessary or expedient. The House had certainly a right to call for explanation, before they exposed the country to the calamities of war. What principally made him rise now, was the extravagant doctrine which the minister's friends wished to press upon the country. They had before gone a great length upon confidence; but now their arguments went to deprive the House entirely of their deliberative capacity upon matters the most important to the interests of the nation. In short, their system was nothing less than a bold and alarming attempt to annihilate every right and privilege of the House; and this sort of reasoning they had been driven to, and assumed in distress and despair, when all their other fallacies had failed them. The idea of prerogative was very high indeed with those gentlemen, when they told us that the power of the Commons to stop the supplies was an infringement upon the king's prerogative to make peace and war; two points as distinct as any two could be. They were two distinctly different powers, vested in two distinctly different bodies. —After dwelling with much energy upon this part of his argument, Mr. Windham next mentioned the degree of confidence which had been contended for by all the minister's friends. Confidence in individuals was a subject that he would not go into: but the necessary confidence in the executive government he was as much a friend to as any man. However, he could not carry that confidence so far as to say, that the country ought to go to war upon a secret article of a treaty, which no person knew of or understood, except the ministers of the Crown. The minister's friends had gone too far on this point; for they had been obliged to deny what, on a former night, they had laid great stress upon. As to their system of alliance, he thought it ought to be looked into, that we might know whether any thing like good faith was a part of it. Having differed with gentlemen on the other side, respecting their indubitable privileges, as members of that House, and the necessary confidence to be reposed in persons in office, he must now differ with gentlemen on his own side, with regard to the disclosure which had been made being insufficient; for he thought enough had been disclosed to enable every member to form his opinion on the present business. It was declared to be on the ground of expediency that this war was to be entered into; a ground which was open to all the world to examine and judge, as competently as those who came from the recesses of cabinets; and on that principle he had examined it, but did not find it supportable. As to the war, the country had decided against it long since. It was no sudden war,

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for it had already lasted more than three years; and certainly, though there might be some who seldom troubled themselves with looking into foreign affairs, it was our business to understand it, and determine what connexion it had with the British interests long ere now. He remarked on the effect which the arrogance of our demands was likely to produce on the lofty spirit of the empress, and on the plain proofs of the minister's incapacity to manage foreign alliances. War was a question of great importance to the lives of thousands; and no man who decided on it rashly, could think himself free from guilt. The general sense of the country was against this war, and the manufacturers in many places were alarmed. Of the city of Norwich he could speak more particularly, and he knew that they dreaded the utter ruin of their trade.

Mr. *William Grant* * rose for the first time. He exposed the absurdity of the legislative intruding itself into the executive branch of the government, and thereby destroying the very fundamental principles of the constitution. Should that House take upon itself to investigate the plans of government, from the moment they should approve of those plans they took away all responsiblity from ministers, who no longer executed their own but the parliament's measure. Thus the public would lose that great guard over the conduct of public officers. He said, that the resolution that had been moved, was exactly that sort of question that called for the previous question. It appeared to him, that the House had been led to expect some measure like that communicated by his majesty's message at the commencement of the session, when a larger number of seamen had been proposed, than were usual to be voted during a peace establishment. At that time the right hon. gentleman opposite (Mr. Fox) had taken notice of the circumstance, and said, he wished not to inquire into the particlar reason, but if ministers would state that there was any thing in the complexion of political affairs in Europe that made such augmentation necessary, he would give his consent to the proposition. The chancellor of the exchequer had answered that there was, and the other right hon. gentleman was satisfied. * His conduct on that occasion, was both candid and constitutional; he had given the king's servants his confidence at that time properly, and had not acted like an hon. and learned friend of his (Mr. Anstruther) that day, who had desired to know the object, but not the means of the negociation at present going on. It was agreed on all hands, that it was the prerogative of the Crown to make war and peace, and carry on negociations. Why, therefore, was the necessary confidence to be denied to the executive government in the present, more than in any other instance? From the nature of the proceeding, a negociation was managed by the minister, because he could best conduct it, and was responsible for the whole. To what effect was a negociation likely to be carried on, if it was negociated by five hundred persons? If that House took negociations into their own hands, they might as well proclaim them in newspapers, since they must have all the different foreign ambassadors at their bar to examine them as to the points in treaty. Exclusive of this, there were other objections of a strong nature. Popular assemblies were likely to be corrupted in negociations. The necessary consequences of negociations in the hands of numerous bodies, from the popular assemblies of Athens to the Polish diet, ever had been, and ever would be, the publication of what ought to be secret; intrigues, dissentions, cabals, and the interposition of foreign influence. As the functions of government were now exercised in all the political contests, in parliament, it was never once imagined that any foreign influence was felt; but in the reign of Charles 2nd, when the House of Commons, from a well-founded jealousy of the Crown, interfered more than it ought to have done in negociations with foreign powers, foreign influence prevailed in proportion to the extent of the interference. Ought, they, then, to take the power of negociating from the Crown and give it to the people, when it was evidently for the advantage of the latter, that it should remain in the executive government, where the constitution had wisely placed it?—The debate had taken a new turn in the hands of the right hon. gentleman who spoke last. Every other gentleman who had spoken in favour of the resolution, had complained that

* The present sir William Grant, Master of the Rolls [A. D. 1817.]

* See vol. XXVIII, p. 919.

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they were called on for supplies, without having any information whatever of the object for which they were wanted; but the right hon. gentleman had turned round short, and declared, that they had all the information that it was in the power of the minister ever to give. If so, upon what ground was it necessary to deny the minister that confidence, without which the negociation could not be carried on with effect? With regard to confidence, it was not personal confidence that was expected, nor that sort of confidence which A gives B, but that confidence in the executive government, which the constitution, for wise purposes, had vested in ministers.—An hon. baronet had said, that the instant the country was put to any expense, the House was bound to inquire for what purpose; and he had given a sort of challenge to the House, and had defied any gentleman to produce a single instance, where they had been called upon for supplies without previous explanation. It so happened, that he recollected a case precisely in point. On the 17th of March, 1718,* the king sent a message to the House stating the most general terms possible, that he was carrying on several negociations of the utmost concern to the welfare of these kingdoms, and the tranquillity of Europe, and calling upon the House for supplies to enable him to carry them on with effect. In that case, without any information farther, the House had voted supplies; but no person thought of withholding the necessary confidence from the servants of the Crown. Nay, the present parliament, in the present session, had fully acknowledged the principle; how else was it to be understood, that, at the commencement of the year, they had voted an extraordinary number of seamen, but upon the confidence in the minister, when, without descending into particulars, he pledged himself that their services would most likely be wanting. The right hon. gentleman who spoke last, had concluded a very eloquent speech with a declamation against the horrors of war, and had expressed his wishes for peace. He joined most heartily in deprecating such a calamity as war; but the right hon. gentleman seemed to have forgotten, that the armament had for its object the averting the evils of war, and securing the permanency of peace. To preserve the balance of power in Europe, was the most likely means of producing lasting tranquillity. On these grounds he argued, that the House might vote a supply without being particularly informed of the object; and that the resolution moved, though true in some cases, could not be generally so, and therefore ought not to be adopted.

Mr. *Pitt* declared that so much had been said, and that so ably, in the course of the several debates on the question, that it was unnecessary for him to enlarge upon it. There were, however, many things arising out of it, on which he was anxious to give his opinion. Notwithstanding the many calls that had been made upon him, and the many harsh epithets that had been applied to his silence, his sense of the duty which he owed to his sovereign and his country, should still be the rule of his conduct. That did not however, take from him his right to speak his sentiments in his individual capacity of a member of parliament. He meant to enter into no details of the pending negociation, into no explanations inconsistent with his official duty, but to state such general considerations as, in his opinion, ought to guide the conduct of the House. In looking at the question he should not let himself be diverted from bringing it before the House in its true light, by any of the strong personal allusions that had been made to him, nor any of the various questions so frequently addressed to him, nor by any dread of the reproach that had been thrown on the administration, at the head of which he was unworthily placed, for desiring gentlemen's concurrence in support of a measure, to which the House had already pledged itself in voting the address in answer to his majesty's message. What was, then, the nature of the question, and what the circumstances not before in discussion? Government was not calling on the House to proceed, or follow up the address on his majesty's message with any further vote: but those who supported the resolutions, were calling upon them to go back, to retract the address which they had voted. He did not mean to say that they ought not to retract, if they thought that they had fallen into an error; but they ought to do it with simplicity and candour; which the resolutions, if voted, would not do; for they did not rescind the address. They only fettered the executive power in a particular instance, by declaring a general position; and did that obliquely, and

* See vol. VII, p. 555.

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by halves, which ought to be done fully and directly, if done for any sound purpose. The first ground of argument, in support of these resolutions, was, that the House must not pledge their constituents to support a war without a distinct view of the cause. But was the address voted without any explanation? Certainly not. His majesty's message expressly stated, that an armament was necessary to give effect to the negociations in which he was engaged, for laying the foundations of a solid and lasting peace, and to have stated the particulars of those negociations would have been to defeat them. But the House was not pledged to engage in a war without farther explanation, as had been argued on the other side. Had it been said "the negociations have failed, and his majesty's ministers have advised a declaration of war, in confidence of the support of the Commons, promised in the address," those who now contended that it pledged the House to war, would have been the first to affirm that it did not. The House would give confidence to the servants of the crown pending the negociation, but that was substantially different from pledging their constituents to support a war, should the negociation be unsuccessful. In a negociation, the most material particulars could not be stated; but, the cause of war was definite, and could easily be explained; and therefore the House was never understood to be pledged to it, till that explanation was given; nor were the supplies ever called for without it. Messages, similar to the present, demanding supplies to strengthen the hands of the king, had often been sent.—It had been roundly asserted, that no precedents could be found at all similar to the present case. This he begged leave to deny. He affirmed that there were many precedents on the Journals, that might be assimilated to the measure in discussion, and which, when examined, would sufficiently justify the secresy that was now complained of. But allowing that no precedent could be found, still he contended, that the desired information ought not to be granted because the grounds of the present negociation did not arise out of a stipulation of any treaty that had been made, and because the House were not called upon yet to give their assent to any supplies for the purpose of carrying on the armament or the war.—If the ground of the present addition to the naval force arose clearly out of the treaty of alliance with Prussia, it could be easily stated; but reasons of expediency, arising from a combination of various views and circumstances, which he formerly explained to be the reasons could not be stated safely. The House, on the confidence reposed in ministers, had admitted the expediency of an armament, and voted an address; but whether war or peace should be the result of that armament, (and he desired to be understood as giving no assurance either way), they were not pledged to support a war; they had not given up their judgment on the case when it came before them; they might withhold the supplies, and call the ministers to account for the advice they had given. That which was a sufficient cause for an armament, might not be a sufficient cause for a war: and those who contended that supplies for an armament ought not to be voted without a particular explanation, must give up the principle on which they had voted an additional number of seamen; and the principle on which a right hon. gentleman (Mr Fox) had said, when an addition of troops for the defence of the West Indies was proposed, that if the addition was meant to be permanent, he would oppose it; but that if ministers would say, that there were circumstances which made it necessary for a year, he would agree to it.—No gentleman on his side of the House had denied the right of refusing the supplies; but argued only that to grant them without explanation was in the discretion of the House. If gentlemen meant that there ought never to be an armed negociation, without all the reasons of it being first submitted to the House, they ought to say so at once; the negociation would then rest wholly with the House; and they ought to call for all the papers and other information, relating to it, instead of putting questions to men in office. Of this gentlemen seemed to be aware; and therefore they disavowed the principle, while they adopted the practice; and, by calling on the House to assert their privileges, wished to weaken those very privileges, and injure the country, by a line of conduct which was neither constitutional, nor, if constitutional, consistent. Were those the friends of the rights of the House, who desired them to retract what they had done indirectly, without avowing their error, and to say, that the country should give up all the possible benefits of negociation, without examining the

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papers on which alone a judgment could be formed on it? Admitting for the sake of argument, that the demands of Russia were to retain Oczakow, and the barren country between the Bog and the Neister, which, whether they were or not, ministers could not state what security could any of those give, who stated them to be so, that, if we were to disarm, Russia would not rise higher in her demands? If they answered, "Let Russia take all her conquests; let her push them to the extremity, and drive the Turks out of Europe; we have no interest in it;" with those who maintained such a proposition, he would not argue. By our defensive system we were bound, not by any stipulation of treaty, but obvious interest, to take care that Prussia, our ally, should not be rendered insufficient, by the aggrandizement of any other power, to afford us that aid which we expected. In like manner was Prussia bound to us, and accordingly had assisted us in 1787, in wresting Holland from France. Our joint right to interfere in the present, or any other instance, to prevent either of the parties from being rendered less secure, was the same that justified the interference of a single state and that justified our interference in Holland. The principle was therefore just, whatever might be the policy. Of the policy, it was impossible to enter into a detail, on account of the negociation. But if Russia were to be rendered more powerful, and the Turks more weak, so that the former would be in less danger of attack than heretofore, then would Prussia be less secure against an attack from Russia, and consequently less able to contribute to the security of the allies.—When gentlemen talked of the balance of power they did not attempt to say that it ought not to be attended to, but that it ought to be in abeyance till, by some fortunate conjuncture it was put under the direction of their own great talents. In the debate on the commercial treaty, he recollected that the right hon. gentleman (Mr. Fox), who was represented by his friends as the only hand capable of poising it, had stated warmly, as an objection to that treaty, that, by allaying the jealousy and animosity that had subsisted for so many years between our merchants and those of France, we should be daily less and less on our guard against the designs of that intriguing nation, and the balance of power would be lost: and now attempts were made to weaken the principle that was thought of so much importance then. It was true that, if pushed too far, it might be dangerous. It was also true, that two or more powers, in defensive alliance, might either of them be exposed to war, when they would not have been so exposed, had no such alliance existed; but it was equally true, and that was the principle for which he contended, that they would each be more secure, and each less exposed to wars on the whole, and consequently incur less expense of blood and treasure in defence. It was said, that repeated assurances had been given to parliament from the throne, after the places in dispute were taken by Russia, that there was no danger of this country being involved in the war. The only inference from this was, that ministers did not then see that the events of war would ultimately make the interposition of this country necessary; nor could it be contended that, because a place was taken, it necessarily followed, that nothing should take place in the course of a war, to compel the restoration of that place, as the price of peace. He concluded with generally objecting to the resolutions, as exposing the country to the danger of losing the benefit of the negociation, and altering the established mode of conducting public business.

Mr. *Fox* began with remarking, that so long as he retained a regard for the constitution, a zealous attachment to the welfare of the people, and a true sense of his duty to the House, he should rise for the purpose of resisting such strange and unwarrantable doctrines as those which had been advanced on a question of the highest political and constitutional importance, involving no less than whether this was a mixed government, or whether the whole power of it was vested in the king. If it was such as the friends of the minister had contended, the House had given up all its deliberative, and reserved only its inquisitorial power; and the members, instead of meeting day after day, had much better appoint one day in the year for a general inquest, and give the minister implicit confidence for the rest. They had been asked, if they would take the whole negociation into their own hands. They had never pretended that they would. There was a clear distinction between the object of a negociation, and the means employed to obtain it. Of the former, they claimed an indisputable right to judge, and the latter they confided to the

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executive power. He was not fond of stating general propositions, without any exception; but he could hardly conceive a case in which the king might arm at the expense of the people, without informing them of the object. In the case of Spain, which was an armament to give weight to negociation, the object was clearly and distinctly stated. Here, in spite of its general notoriety, it was studiously endeavoured to be concealed. It was the prerogative of the Crown to make war, but a prerogative not to be trusted for a moment, without its corrective—the right of the Commons to refuse the supplies. Ministers now came to the House, and demanded money without any explanation, so that what was admitted to be the undoubted right of the House was to be exercised without knowledge, and consequently without judgment: but with regard to the exercise of the king's prerogative, the declaring of war, they were to have every possible information.—Of the personal or ministerial confidence, of which gentlemen had talked so much, the right hon. the chancellor of the exchequer had no title to either. He had given proofs of incapacity, and he had deceived the House. The constitution knew no such thing as confidence. The king's right to declare war, and the right of the House to withhold supplies, were both absolute. He would give confidence for an armament for a short time, and that for the purpose of defence only; and when he agreed to keeping in commission an additional number of ships, on being told that the state of Europe required it, he should have spurned at the idea, had he been apprized that they were kept up for the purpose of offence. In the present case, too much was disclosed for confidence, and too little for conviction. If the armament was formed on the most absurd grounds, as he and all the country believed it was, he should be glad to hear from those who talked of responsibility as the guardian of confidence, how an article of impeachment could be drawn against the minister for bringing down a message from the king, and moving an address. On the declaration of war, he would take the opinion of the House; and as he was not impeachable in the one case, he would be screened by the concurrence of the House in the other. He would say, how is that criminal in me which you agreed to support? The House, not a fortnight since, had rashly promised to support an armament, in other words, an armament whenever his majesty's ministers should think proper, and they were told that any proposition to undo what they had done was too late, unless the minister came again to demand the supplies. The resolution, the friends of the minister objected, was meant to put an end to the war. Undoubtedly it was, though it was rather singular that they should own this, when they knew that it was only an inquiry into the expediency of it. It was, indeed, a bad sign, when the advocates of a measure were compelled to allow, that to inquire into the expediency, and to put an end to it, were one and the same thing. They said the House must inquire into the whole of the negociation, or into no part of it; but to what purpose examine the means, when even the object was withheld? This could not be disclosed to the public, pending the negociation, and in the mean time the public money was spent, in pursuit of an object of which the public had no knowledge. To admit a case, for the sake of argument, when all the world knew that the case admitted was the real case, was a solemn farce, a miserable attempt to deceive. On what principle were 558 gentlemen, because they happened to be assembled in a house of parliament, to pretend ignorance of what all the foreign gazettes and all the memorials could inform them of—of what was known beyond dispute two months ago — that the empress demanded, of all her conquests, to retain only the fortress of Oczakow, and the country from the Bog to the Neister? That the moderation of this demand arose from our armament, was completely and morally impossible, for it had been made before the armament was heard of. With regard to what she might demand, were we to disarm, there was only one argument to which he could not reply, and ministers should not tell him that they had used her so ill, that she would listen to no terms whatsoever. If we sent a fleet into the Baltic, alarmed and insulted her coasts, which was all, he believed, we could do; if we showed our teeth, and our inclination to do mischief, then, indeed, she might probably be provoked to depart from the moderation of her first demand. —If the House desired to know the object before they gave away money, he thought they would act neither unconstitutionally nor with any improper degree of suspicion. If they rejected this doc-

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trine, they betrayed the interest of their constituents, and declared themselves incapable of judging of the propriety of voting away their money. The right hon. gentleman, under the plea of state secresy, had brought forward the worst possible excuse for holding his tongue, to save him from exposing the most unjustifiable conduct. His defensive system was wicked and absurd—that every country which appeared, from whatever cause, to be growing great, should be attacked; that all the powers of Europe should be confined to the same precise situation in which this defensive system found them. If this was a defensive, he should be glad to hear what was an offensive system. The family-compact, so justly reprobated, because the contracting parties engaged to assist one another, at all events, whether the quarrel was just or unjust, never carried its presumption so far as this defensive system. According to this system, were any nation to acquire territories in Asia, from which revenue could be derived, that would be a sufficient cause for war; if any country, in any shape, became more strong at home, and consequently more secure abroad, the allies, under this defensive system, must instantly make war against it, and restore it to its former state of misery at home, and imbecility abroad;—a principle so diabolical as this he never expected to hear stated in a civilized assembly! — He had said, that what was a ground for armament was not a ground for war. What! were we degraded into a mere bully as a nation, to enforce insolent propositions by arms, and if they were firmly resisted to recede from them? Nothing could justify an armament which could not justify a war; for, the nation that was once discovered to have armed in bravado, would find little regard paid to her armaments again. He had been a strenuous advocate for the balance of power, while France was that intriguing, restless nation which she had formerly proved. Now, that the situation of France was altered, that she had erected a government, from which neither insult nor injustice was to be dreaded by her neighbours, he was extremely indifferent concerning the balance of power, and should continue so, till he saw some other nations combine the same power with the same principles of government. His idea of this balance was, that every state was not to be kept in its precise old situation, but to prevent any one from obtaining such an ascendency as to be dangerous to the rest. No man could say that Russia was the successor of France in this respect. Her extent of territory, scanty revenue, and thin population, made her power by no means formidable to us; a power whom we could neither attack, nor be attacked by; and this was the power against whom we were going to war! Overturning the Ottoman empire, he conceived to be an argument of no weight. The event was not probable, and if it should happen, it was more likely to be of advantage than injurious to us. If we wished to retain the good wishes of our Dutch allies, we should be careful of engaging them in ruinous wars; for, the aversion to, and detestation of, this war, was greater in Holland than in England. "Now," said the minister's friends, "if war ensues, we may thank the speeches of the minority." He had long been callous to this sort of abuse; but if this was their opinion, they ought to prorogue the parliament; for it was impossible for him to sit in it, and not speak his honest sentiments on a question which so nearly concerned the public interest. But he believed there would be no war; the empress would either be compelled to give up Oczakow, or, what was much more probable, the minister, after his bullying and blustering, would recede from all his arrogant demands, and we should have nothing in return for an expense of perhaps half a million, but the shame of having interfered where we had no right to interfere, and the disgrace of having completely failed. To what a state were we reduced, when this was the foundation of our hopes: and when to be baffled and disgraced in the eyes of Europe, was an object of ardent expectation!—Mr. Fox, in the course of his speech, charged the minister with insolence, arrogance, incapacity, and wilful imposition on the House of Commons, in the conduct of foreign affairs, and dared him to the proof. The confidence, he said, that there would be no war, that he durst not go to war, was the only tie which kept his majority about him. He entered into a comparison of the present state of France with its former condition, both as it respected the politics of Europe, and the happiness of the people, for the purpose of showing that those who detested the principles of the revolution had reason to rejoice in its effects. He praised the new government of France, in its internal relation, as good,

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because it aimed to make those who were subject to it happy. With regard to the change of system that had taken place in that country, Mr. Fox said, that he knew different opinions were entertained upon the point by different men, and added, that he for one, admired the new constitution of France, considered altogether, as the most stupendous and glorious edifice of liberty, which had been erected on the foundation of human integrity in any time or country.* —After observing that it was well known, there were great and good men on both sides the House to whom he made his most earnest appeal, and whom he conjured in the strongest terms to support the resolution, Mr Fox said, that although he had to apologize for having taken up so much of the time of the House, a great deal yet remained for him to say, but as he foresaw that he should have frequent opportunities of discussing the same subject, he should trespass no longer on the patience of the House, but would give his hearty vote to his hon. friend's motion.

As soon as Mr. Fox sat down Mr. Burke rose, in much visible emotion, but the cry of "Question!" being general, he unwillingly gave way to the division,† which immediately after took place:

	Tellers.	
Yeas	Mr. M. A. Taylor Mr. Adam	162
Noes	Mr. Steele Mr. Cawthorne	254

So it passed in the negative. The second resolution was also put and negatived. The House then adjourned at half an hour after three in the morning.

Debate on Mr. Wilberforce's Motion for the Abolition of the Slave Trade]. April 18. The House having resolved itself into a committee of the whole House, to consider further of the African Slave Trade, sir William Dolben in the chair,

Mr. *Wilberforce* rose. He observed, that although he should not presume to determine what, upon the present occasion, were the emotions and sentiments of others, he could sincerely answer for himself that when he considered the infinite importance, and the vast extent of the subject which they were about to discuss, when he took a view of the prodigious mass of information they had before them, he was prompted, both for his own sake and that of the House, to request some farther time for preparation. He had waved this idea, however, in compliment to the gentlemen most concerned in point of interest, who had expressed themselves strongly against another adjournment. He had also been in some degree influenced by a regard to what he understood to be their wishes, in determining to bring forward the business in the shape of a general motion, rather than in that of the propositions which had been laid before the House in the last parliament; but these propositions, though not formally before them, would serve as a clue to direct the course of their inquiry.—By arguing the subject point by point, it would, he said, appear to a demonstration, that all those propositions, and all the pledges, which he had given to the House, would be made good, and that the slave trade would be found to be contrary to every principle of religion, morality, and sound policy. It would appear that the conclusions which he had formerly drawn on this subject were perfectly fair and well founded. In the course of what he had to say, he should endeavour to confine himself, as much as possible, to certain leading topics, and not launch out into the vast field of particulars which lay open to him. In the freedom of debate, peculiar to a committee, he should have an opportunity to explain himself, and to remove any obscurity that might appear in his arguments. He wished to treat the subject with all the candour and fairness possible, and had always distinguished that which belonged to the cause from that which belonged to the persons. He was free to say, and he wished rather to say it then, when he was cool, lest it might be supposed afterwards that, in the warmth of de-

* The terms of this panegyric are taken from Mr. Burke's "Appeal from the new to the Old Whigs." See Burke's Works, vol. 6. p. 98. In the Public Advertiser of the 18th of April, 1791, they are thus given: "With regard to the change of system that had taken place in the French constitution, Mr. Fox said, there were different opinions entertained by different men; he, for one, admired the new constitution, considered altogether, as the most glorious fabric ever raised by human integrity since the creation of man."

† Mr. Fox is known to have regretted the injudicious zeal of those who would not suffer Mr. Burke to answer him on the spot. The contention, he said, might have been fiercer and hotter, but the remembrance of it would not have settled so deep, nor rankled so long in the heart. See Annual Register for 1791, p. 114.

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bate, he maintained a contrary doctrine, that the parties immediately concerned, had conducted themselves towards him with great candour, and he thanked them for the fairness with which they had considered his propositions; and even those who had taken the most active part in the business, had shown that liberality of mind, which, at the same time that it was most grateful to his feelings, was a good omen to the cause.

The first point to which he wished to direct the attention of the committee, was the manner in which the slaves were obtained on the coast of Africa. In order to be convinced of the truth of his allegations on this head, it would be merely necessary to apply unquestionable principles of general reasoning to the particular circumstances of the case before them. That vast country was divided into various communities of different sizes, some governed by kings, more or less absolute, others, and those the greater number, by elders. Their state of civilization was in general very imperfect, their notions of morality extremely rude, and the powers of their governments ill defined: it was natural, therefore, to imagine, that when the kings, or chieftains should be tempted by the pressing solicitations of appetite to acts of injustice or oppression, they would not be slow to the commission of them; and temptations of this kind were continually thrown in their way by the European traders. The effects of these were to be traced in every species of fraud and violence, whilst they who ought to have been the guardians and protectors were thus made the ravagers of their country. The same causes might be expected to produce the same consequences throughout the whole society; the seeds of disunion and disorder would every where be sown, every man would dread in a neighbour to meet with an enemy, and distrust and insecurity would universally prevail; the fountain of justice also would be poisoned, and changed into a source of oppression. These speculations founded on the principles of human nature, and verified by the experience of all ages, accorded in all respects with the most authentic accounts which had heretofore been published, of the continent of Africa, which were now confirmed by testimonies of the most unexceptionable nature. He begged the committee would advert to the characters, situations, and means of information, of the witnesses, to whom he was now alluding: they were of various descriptions, some of them officers in his majesty's service; others, men of science, who had visited the country from motives of curiosity; others again, who had themselves been concerned in the slave trade, and whose prejudices might have been supposed to run in favour of its continuance; several of them had possessed the most ample opportunities of intelligence; some had been many hundred miles up the rivers into the interior country. The testimony of these witnesses embraced the whole of that vast extent of country to which we resorted for the purchase of slaves, and from one end of it to the other, it established, beyond contradiction, the existence of those acts of fraud, oppression, rapine, and murder, which he had charged on the slave trade.

To begin with the river Senegal, the northern extremity of the district referred to, Captains Wilson and Hills of his majesty's navy, and Mr. Dalrymple of the land service, being at the island of Goree, had an opportunity of making observations in that quarter. On the arrival of the slave ships, armed parties were regularly sent out in the evening, who scoured the neighbouring country, and brought in their prey in the night; these wretched victims were to be seen in the morning bound back to back in the huts on the shore, whence they were conveyed, tied hand and foot, on board the slave ships. The object of these ravages, if it had wanted any confirmation, was established beyond a doubt by this circumstance, that when the slave trade was stopped, the expeditions also ceased. Mr. Kiernan spoke of the constant depredations committed by the Moors, of which, as well as of such expeditions as had been mentioned by captain Hills, the committee heard also from Mr. Wadstrom, who had noted down, at the time, the transactions of every day, in a journal which he had produced before the committee, and these ravages, excited by presents of brandy, gunpowder, and such other incentives, and by the conditional promise of larger supplies, were not only carried on by one community against another, but the kings were stimulated to commit them in their own territories, on their own subjects; and, in one instance, a chieftain, who, in the moments of intoxication, could not resist the pressing calls of appetite, had expressed, in an interval of reason, a due

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sense of the enormity of his own proceedings, and had poured forth his reproaches on his Christian seducers. Abundant, likewise, were the instances of private rapine; individuals were kidnapped whilst in their fields and in their gardens; there was a universal feeling of distrust and apprehension: the natives never went any distance from home without being armed, and when asked the reason by captain Wilson, pointed to a slave ship then lying within sight.—Pursuing their progress southward, they came to the windward coast; where, from the evidence of lieut. Story and Mr. Bowman, they would find all the before-mentioned evils existing, if possible, in a still higher degree: they would see the remains of villages which had been burnt, whilst the fields of corn were still standing beside them, and every other trace of recent desolation. Here an agent was sent to establish a settlement in the interior country, and to send down to the ships such slaves as he might be able to obtain; the orders he received from his captain were a very model of conciseness and perspicuity; "he was to encourage the chieftains, by brandy and gunpowder, to go to war, and make slaves." He punctually performed his part, the chieftains were not backward in theirs; the neighbouring villages were ransacked, being surrounded and set on fire in the night; their inhabitants were seized when making their escape, and being brought to the agent, were by him forwarded, men, women, and children, to his principle on the coast. Mr. How, a botanist, who, in the service of government, visited that country with captain Thompson, gave in evidence, that being at one of the subordinate settlements on the Gold Coast, on the arrival of an order for slaves from Cape Coast Castle, the native chief immediately sent forth his armed parties, who, in the night, brought in a supply of all descriptions, and the necessary assortment was next day sent off, according to the order. The whole extent of the African coast furnished but one uniform detail of similar instances of barbarity. When captain Hills was in the river Gambia, happening accidentally to mention to a black pilot who was in the boat with him, that he wanted a cabin boy, the pilot told him he would soon obtain him one; and accordingly, some youths being on the shore with vegetables to sell, he beckoned to them to come on board: at the same time, by winks and significant gestures, giving capt. Hills to understand that he might then take his choice: and when capt. Hills rejected the proposal with indignation, the pilot seemed perfectly at a loss to account for his warmth, and dryly observed, that the slave captains would not have been so scrupulous. When general Rooke commanded in his majesty's settlement at Goree, some of the subjects of a neighbouring king, with whom he was on terms of amity, came to pay him a friendly visit; there were from 100 to 150 of them, men, women, and children; all was gaiety and merriment; it was a scene to gladden the saddest, and to soften the hardest heart: but a slave captain, ever faithful to the interests of his employers, is not so soon thrown off his guard; with what astonishment would the committee hear, that, in the midst of this festivity, it was proposed to general Rooke to seize the whole of this unsuspecting multitude, hurry them on board the ships, and carry them off to the West Indies. It was not merely one man, but three, who were bold enough to venture on such a proposal. Three English slave captains preferred it as their joint request, alleging the precedent of a former governor, who, in a similar case, had consented! If, in the annals of human wickedness, an instance of fouler treachery were to be found, he was happy to be ignorant of it. This would stand in the place of a thousand particular instances, and gave colour and credibility to every other act of violence stated in evidence before the committee; he would, therefore, confine himself to a proof or two of a circumstantial nature. The committee, perhaps, was not aware that the usual proportion of children on board the slave ships, on most parts of the coast, was one-third of the whole cargo, scarcely ever less than one-fourth. It appeared from the evidence of one of their opponents' witnesses, who had resided there many years, that the only way in which children could be brought into that situation, was by whole families being sold when the principals were condemned for witchcraft, and at the same time it was said, that the number of persons convicted of this crime was extremely small, indeed, and that the younger part of a family, in these cases, was often spared, thus, every legal avenue by which these poor creatures could be brought into the clutches of the slave captains, was shut up by their opponents' own declarations:

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and irresistible confirmation was afforded to the positive testimony of the witnesses he had called, that in these very parts of the coast the kidnapping of children very generally prevailed. But it was not only by acts of outrage that these poor creatures were brought into bondage; every other possible mode was resorted to, and, in particular, the administration of justice was turned into an engine for that end: the smallest crimes were punished by a fine equal to the value of one or more slaves, which, if the party was unable to pay, he was himself to be sold into slavery. Crimes were fabricated, false accusations and convictions were resorted to, and persons sometimes employed to seduce the unwary to the commission of crimes with a view to the conviction and sale of the culprit. It was another effect of this trade, that it corrupted the moral principle of those who carried it on; every possible fraud was put in practice to deceive the ignorance of the natives, by false weights and measures, adulterated commodities, and other impositions of a like sort. It was a circumstance by no means to be omitted, that the gentlemen of the West Indies acknowledged, with great candour, that slaves were often obtained in the unwarrantable modes he had mentioned; he quoted the declaration of the Jamaica committee, that the African trade was no trade of theirs, and particularly specified Mr. Otley, whose name he could never mention but with respect, declaring that this was not the language of compliment, but the sincere sentiment of his heart; he hoped also that governor Parry's letter, in which he spoke of the nefarious practice of the African trade, was still fresh in the memory of the committee. But there was one authority of so respectable a description, that he should be highly wanting to his cause were he not to adduce it; it was the declaration of a gentleman of great ability and information, as well as of uncommon candour and liberality of mind: the committee here would anticipate the name of Mr. Bryan Edwards. That gentleman, in a very eloquent speech delivered in the house of assembly in Jamaica, against the propositions moved by Mr. Wilberforce in the last parliament, frankly expressed himself in the following terms: "I am persuaded that Mr. Wilberforce has been very rightly informed as to the manner in which slaves are generally procured. The intelligence I have collected from my own negroes, abundantly confirms his account; and I have not the smallest doubt, that in Africa, the effects of this trade are precisely such as he represents them to be. The greatest part of that immense continent is a field of warfare and desolation; a wilderness, in which the inhabitants are wolves towards each other. That this scene of oppression, fraud, treachery, and blood, if not originally occasioned is in part, I will not say wholly, upheld by the slave trade, I dare not dispute."

Yet these things, however clearly proved, were denied by many respectable persons, who have been brought forward on the present occasion, as evidence to support the continuance of the slave trade: they were chiefly persons who had been governors of forts in Africa, or who had long commanded ships in the trade. So soon as he had known the description of the witnesses whom it was intended to call, he had been prepared for the effects of much prejudice; but all his apprehensions on this head had been greatly surpassed by the testimony which they had given. He did not mean to impeach their private characters, but they certainly showed themselves under the influence of such gross prejudices, as to render them incompetent judges of the subject they came forward to elucidate. They seemed to be enveloped by a certain atmosphere of their own, and to see, as it were, through a kind of African medium. Even the declarations made by themselves, on other occasions, seemed wholly new to them; they sometimes forgot not only what they had seen, but what they had said; and when to one of them his own testimony to the privy council was read, he mistook it for that of another gentleman, whose evidence he declared to be "the merest burlesque in the world." They altogether denied kidnapping or village breaking, or the false imputation of delinquencies. It seemed to be an acknowledged maxim in the logic of Africa, that every person who offered a slave for sale, had a right to sell him. However fraudulent the manner might be in which the broker had obtained the slave, if they paid him a just price for him, it was a perfectly fair transaction. By the help of this convenient principle, a slave captain might go up and down the whole coast of Africa, and see nothing but equity and justice; and the African committee, reposing on this grand maxim with perfect security, report gravely, that they had

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heard but of two instances of misconduct in the space of forty years. The slave captains, however, could not be altogether absolved, even by availing themselves to the full of this principle; for depredations were frequently committed by the European ships themselves, especially when they were passing by any part of the coast where they did not mean to continue. Hence it was, that the natives, who kept cautiously aloof from the slave ships, would never come near the men of war, till fully satisfied they were not of the former description; after which they laid aside their fears, and came on board with unsuspecting cheerfulness.

But let us withdraw from this disgraceful scene, and, in the words of an emphatic writer, "turn our eyes for relief to some ordinary wickedness." But alas! no such relief was yet to be enjoyed by them: on the contrary, a still more dreadful scene was opening to their view. Let them but represent to themselves a vessel, in a sultry climate, heaped to the very brim with these unhappy wretches, torn from their homes in the way he had described, and ignorant whither they were going. It appeared from the evidence, that in 1788, at the very moment when they were agitating this subject within those walls, all those dreadful occurrences which he was describing were actually going forward on board the slave ships; the same dancing in fetters, the same singing, the same eating by compulsion, the same despair, the same insanity, and all the other abominations with which this trade was characterized. New instances occurred, wherein these wretched men, to elude the vigilance of their persecutors, threw themselves into the sea, and more than one, when in the act of drowning, were observed to wave their hands in triumph, exulting, to use the words of an eye-witness, "that they had escaped." Yet these things, viewed through that African medium he had already mentioned, took a different shape and colour. It was said by an adverse witness, captain Knox, that he had no doubt, "the slaves slept, during the night, in tolerable comfort:" now, considering that they were coupled in fetters, and were often suffering under a disorder, the effects of which were too nauseous for description, in order to correspond with the committee's ideas of "tolerable comfort:" it might seem requisite that they should at least have room to lie on their backs; but how, in fact, were they sometimes accommodated? In one of captain Knox's own voyages, in a vessel of 120 tons, he had 290 slaves, and a space which, according to his account, would have held 43 more, being otherwise occupied, the whole might be said to contain 333: and with this proportion of men and tonnage, captain Knox frankly declared, that perhaps they had not all the breadth of their backs. Yet, in another voyage, in a vessel of 108 tons, he carried 450; and in a third, of from 130 to 150 tons, he carried 600 slaves; neither should it be forgotten, that the number of seamen being always increased in proportion to the slaves, they also must have been more numerous in the two last voyages. What, in this situation, must have been the comfort of the slaves he left to the consideration and feelings of the committee.—Another instance of this African self-deception, was to be found in the case of a captain; it had been asserted, that he had held hot coals to the mouth of a slave, in order to compel him to eat; but being questioned on the circumstance, not admitting that "qui facit per alium facit per se," he denied the charge with indignation. "I did not," said he, "and I defy any body to prove that I did." "Did you never order such a thing to be done?" "Being sick in my cabin, the chief mate and surgeon, at different times, informed me that there was a man upon the main deck, that would neither eat, drink, nor speak: I desired them to use every means in their power to persuade him to assign reasons for his silence. When I was informed he still remained obstinate, and not knowing whether it was sulkiness or insanity, I ordered the chief mate or surgeon, to present him with a peace of fire in one hand, and a piece of yam in the other, and to let me know what effect that had upon him; it was reported to me, that he took the yam and eat it, and threw the fire overboard. This, said Mr. Wilberforce, was eating by *duresse*, if any thing was; the captain, however, triumphs in the success of his expedient, and concludes his narrative by telling you that this very slave was afterwards sold for 40*l.* at Grenada.

Mr. Wilberforce next observed, that if there could be any aggravation of the injuries inflicted by the Europeans on these poor creatures, it was afforded by considering what was their situation in their own country. One witness spoke of the acuteness of their capacities; ano-

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ther of the extent of their memory; a third of their genius for commerce; others of their good workmanship in gold, iron, and leather; the peculiarly excellent texture of their cloth, and the beautiful and indelible tincture of the dyes; and it was acknowledged by all, that they supplied the ships with many articles of provision, with wood and water, and other necessaries. Several mentioned, in high terms, their peaceable and gentle dispositions: their cheerfulness, and their hospitality: even those who were nominally slaves, lived a comfortable life, and were not liable to be punished but for crimes, nor to be sold without the form of a trial, nor in some parts without the verdict of a jury. One of the witnesses describes them as sitting and eating with their master, in the true style of patriarchal simplicity and comfort. Were these, then, a people incapable of complete civilization? It had been maintained, that they were an inferior species: that they were even doomed by the almighty to the sufferings they underwent, and that we were merely the instruments of the divine vengeance. To those who urged this argument seriously, it was not difficult to make a reply; but in the mouths of those, who, instead of submitting with reluctance to the painful task of inflicting this punishment, courted the employment, and turned it to purposes of private interest, it seemed to him to deserve a very different treatment, and to be, indeed, nothing less than gross and impious blasphemy.

He was aware, that an opinion had gone forth, that the measure of abolition would be attended with inevitable ruin to the West India islands. He trusted he should be able to prove that the direct contrary was the truth; but this he must say, was more than any one had a right to require. For his own part, he confessed, that, considering the miseries this trade entailed on Africa, his liberty of choice was taken from him; he must at all events determine for the abolition; but surely no man, however free he might deem himself to decide on grounds of expediency, would require more at his hands than that he should show that the measure would not prove absolutely ruinous to the West Indies. No petty, no dubious interest would, by any one, be stated as a sufficient plea to justify the extensive and certain evils he had enumerated. He would not detain the committee for a moment, in arguing against the bringing of new lands into cultivation, by fresh importations of African slaves: for even apart from every consideration of justice and humanity, the impolicy of the measure was indisputable. Let the committee consider the dreadful mortality that attended the opening of new lands: let them look to the evidence of Mr. Woolrich, and there see a contrast drawn between the slow, perhaps, but sure, progress of cultivation, carried on in the natural way and the attempt to force improvements, which, however flattering the prospect might appear at the outset, soon produced a load of debt and inextricable embarrassments. He might even appeal to the enormous sum, said by the West Indians themselves to amount to more than twenty millions, owing to the people of this country; and challenge them on any principle, to prove that any new system would involve them so deep as that on which they had hitherto proceeded. But he would leave this head, referring the committee to the evidence of Mr. Irving, a gentleman, to whose abilities and merits the House and the country were no strangers. He called on the House to listen to him calmly and dispassionately, and he was persuaded they would rejoice as much as he could do, if he should be able to make out his point. The ground on which were bottomed all the objections of those who maintained the contrary opinion, he apprehended to be this, that the stock of slaves now in the islands, could not be kept up by propagation, but that it was necessary from time to time, to recruit them with imported Africans. In direct refutation of this position, he should prove first, that in the condition and treatment of the negroes there were causes sufficient for us to expect a considerable decrease; secondly, that this decrease was, in fact, very trifling, or rather, he believed, it had actually ceased; and thirdly, he should urge many direct and collateral facts and arguments, constituting on the whole, an irresistible proof that even a rapid increase might henceforth be expected. In stating the leading circumstances of the condition of the negroes it would be necessary to remark, that, whatever splendid instances there might be of good treatment, there were some evils of almost universal operation, such, he meant, as were necessarily connected with a system of slavery. Above all, the state of degradation to which the slaves were reduced, deserved to be noticed, and from which the worst con-

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sequences resulted in a thousand ways, both to their own comfort and to their masters interests. Of this there could not be a more striking proof than the utter inattention to them as moral agents. It was not merely that they were worked under the whip like cattle: but no attempts were ever made to instruct them in the principles of religion and morality. This, together with the acknowledged neglect of any attempt to introduce regular marriages among them, applied directly to the question concerning their increase, and tended to refute the notion of its having been seriously attended to. The gentlemen who said they could point out nothing defective in the treatment of slaves, had frankly confessed that their morals were utterly neglected, and that the best consequences might be expected to result from their being attended to; and how could it but be so, when, as was declared by these very same gentlemen, promiscuous intercourse, early prostitution, and excessive indulgence in spiritous liquors were material causes of their decrease? Indeed the happy effects of instructing the slaves in the principles of religion, had lately been proved, particularly in the island of Antigua, where, under the instruction of the Moravians and Methodists, they had so far profited, that the planters themselves confessed their value, as property, was increased one-third by their increased habits of regularity and industry.—Whatever might have been said to the contrary it was plainly to be inferred, from the evidence, that the slaves had not been under the protection of law. Colonial statutes had, indeed, in some cases, been passed, which might seem to afford them a sort of qualified protection; but, however ill treated by their masters, they had not been considered as having a right to any redress. Mr. Ross mentions an instance of astonishing cruelty committed by a Jew. It was but justice to add, that the man was considered with detestation whenever the circumstance was told; but, though a matter of notoriety, it does not seem to have entered into the contemplation of any person, to call him to a legal account; and Mr. Ross expressly declares, that he conceived a master had a right to punish his slave in whatever manner he might think proper. The same was declared by several other witnesses. An assertion, however, was to be found to the contrary, and some records of convictions had been sent over as proofs of it. Mr. Wilberforce went into the particulars of these records, for the purpose of refuting the conclusion they were meant to establish; particularly remarking, that the convictions were all of a very late date, and that in one of them, where a master had cruelly cut the mouth of a child of six years old, almost from ear to ear, so strange and so novel a doctrine did it appear to the jury, that a master was liable to punishment for any act of cruelty exercised on a slave, that they brought in a conditional verdict, "guilty, subject to the opinion of the court, if immoderate correction of a slave, by his master, be a crime indictable." The court determined in the affirmative; and what was the punishment for this abominable act of barbarity? a fine of 40 shillings currency, equivalent to about 25 shillings of our money! The slaves too were but ill off in point of medical care; though that was an article in which it might be expected there would be the least defect, when they were the property of affluent planters, because it was that in which a prudent regard to interest, was the least likely to be counteracted by any sudden effects of passion. Sometimes 4 or 5, or even 8 or 9,000 slaves were under the care of one medical man; which, dispersed on different and distant estates, was a greater number than he could properly attend to. —There was also reason to believe that the slaves in general were under-fed; he might refer to the positive declarations to that effect contained in the evidence, and would confirm them by two or three additional arguments. The slaves, in general, were supported partly by the produce of their own provision ground, and partly by an allowance from their master of flour or grain. In those islands wherein the produce of the former was very trifling, owing to long and frequent droughts, their allowed food instead of being proportionably greater, was actually less, than in other islands, where this produce was the most considerable. In one of the islands, where, we are told provision ground does not answer one year in three, it was from five to nine pints per week; in Dominica, where these never failed, from six to seven quarts; and yet, even in the latter, it was universally remarked, that the slaves were in far better health and spirits, during the five or six months of the crop or harvest season, notwithstanding the much harder labour of that period, owing to their being then somewhat better fed.

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It appeared, in the evidence of a respectable witness on the side of our opponents, that the utmost weekly allowance generally given to a working negro in Nevis and St. Christopher's, where there was no provision-ground, was but eleven pints; yet, in the act of assembly, lately passed in Jamaica, it is prescribed that twenty-one pints shall be allowed weekly to every slave confined in prison. In Nevis also, so long ago as the year 1717, the rate of food was fixed at a pound of meat or fish, and a pound of bread daily. A prison allowance is not in general meant to be such as will pamper the body; yet how much does it here exceed that of the working field slaves in the old Leeward islands!

One of the principal causes of the negroes sufferings, and consequent decrease, was the non-residence of the planters, many of them persons of affluent fortunes, of sound understandings, and liberal hearts; who, if they were on the spot, would attend to these poor creatures, and feel themselves bound, both by duty and inclination, to promote their happiness. But it was to no purpose to send out orders, of the execution of which they could know as little, as a king, who lived in his capital, could answer for what was carrying on in the most distant part of his dominions. Sir George Young and many others had said that they saw the slaves treated in a manner they were sure their owners would have resented if it had been known to them. Mr. Orde had animadverted, in the strongest terms, on the misconduct of managers; the repeated changes of them was an irrefragable proof of this misconduct. The fact was, that in general they sought to establish their characters, which is generally determined by their producing large crops at a small immediate expense, too little considering how far the slaves might suffer from ill-treatment and excessive labour. Mr. Long had noticed, and severely condemned this practice; and even the managers themselves had acknowledged it to be their leading principle. But if, from these causes, the slaves were such grievous sufferers, even when they belonged to opulent and worthy men, what must their state be, subject to the severe exactions of want or avarice, and to the capricious cruelty of vulgar and unfeeling tyrants? The sad effects were but too abundant in the pages of the evidence, and he had rather refer to them there, than undergo the painful task of reciting them.—But, in addition to all he had said concerning the causes which had prevented the keeping up the stock of slaves by breeding, he must maintain, that it was incontestibly proved that the object had never been seriously attended to. Here also, he need only appeal to the testimony of the most respectable witnesses. The advocates for the abolition alleged, that the increase of the produce was more attended to than the keeping up the stock; the reverse of the proposition was maintained by the planters. Now, it was natural to imagine that men would be always best informed on those subjects with which their minds had been most conversant. Yet it was likewise evident, that the owners and managers, when asked concerning planting and the produce of their estates, were perfectly at home: when asked concerning their proportion of males and females, the number of infants, and other such particulars, they knew little or nothing about the matter. In opposition to his statement of the condition and treatment of the negroes, many very respectable witnesses had been called, and in particular several persons who had served in the islands in high professional situations. But, in the first place, he must enter a general protest against their testimony. He had formerly stated, that an admiral's visit to a plantation made a holiday, and could afford no adequate idea of the general situation of the slaves. The committee was now told as much by one of the party. "I have often," says Mr. Ross, "had the honour of attending both governors and admirals upon tours in the island of Jamaica; in the course of which, the estates generally visited belonged to gentlemen of distinction, where we were entertained with every mark of respect, and whose estates in general might be considered in high order and good management; and it is not likely, even upon going into the fields or works where the negroes were employed, but that attention would be paid by the white people and drivers, not to harrow up the feelings of strangers of distinction, by the exercise of the whip, or the inflicting of punishments at that particular time; and even if there were any disgusting objects, it is natural to suppose that they would be removed upon such occasions." In fact, these gentlemen afforded many proofs of their being under the influence of prejudice. Two or three he would

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mention. Many of them declared that the abolition would be ruinous to the West Indies. Now, every one would acknowledge, that this must depend upon the practicability or keeping up the stock, without African supplies: yet, when asked as to this circumstance, their answer is, They know nothing about it! Hence it appeared, they had formed a conclusion without premises. Their evidence, also, often extended through a long series of years. No defect, no ill treatment, is remarked in any portion of the time, nor is there any distinction of periods. The slaves are uniformly well clothed; so well fed, so well treated, that nothing can exceed it! yet almost in the same breath, you are told of their amended situation, and that they are now far better off than they were formerly! One of them, to whom his country is under high obligations, as a proof that the negroes enjoy the protection of laws, mentions a master's having been sentenced to death for the murder of his own slave; but the recollection of the respectable personage must surely have failed him here; for the fact is, that the murder of a slave was not then a capital crime. But it was less extraordinary, that the noble person alluded to (lord Rodney), should be mistaken on a subject not within his own province, when others were misinformed on it, to whom it more immediately belonged. Of this there were repeated instances. A very respectable governor being asked, whether a master was liable to be punished capitally for the murder of his own slave, replied, "he never entertained a doubt of it himself, nor ever heard a doubt of it expressed by any sensible or reasonable man;" yet, had he looked into the statute book of his own island, he would have found, that the wilful murder of a slave was punishable only by a fine of about 18*l.* sterling. This however was a heavier penalty than that inflicted by the Barbadoes law; for 15*l.* sterling was there the amount of it. In fact, their opponents witnesses, by attempting to prove too much, had proved nothing.—The slaves were said to be in a better state than the peasantry of this country. It had been declared, also, that the negroes were happier as slaves than if they were made free: and that, when made free, they never returned to Africa. There was scarce, perhaps, in the whole course of the business, a more striking proof of prejudice, than was afforded by the first of these assertions. He allowed that a slave, who was industrious, and in a situation wherein he might to advantage dispose of any commodities he had been able to raise for sale, could annually lay by a little money, which, he believed, was never taken from him. When the savings of many years had at length accumulated to a considerable amount, how did they then dispose of it? With this sum, for which they had been struggling during the whole course of their lives, they went to their masters and bought their freedom; they purchased their release from their situation of superior happiness, by the sacrifice of their last shilling; and there was scarcely an instance of a slave's possessing property, which was not accompanied by that of his having thus employed it. Or, when they thought the little which was left of their own lives not worth redeeming, they would purchase the freedom of a son, a brother, or a sister; thus affording at once a proof of the value they sat on freedom, and of disinterestedness and social affection, which did honour to the human character. But it was not merely that the slaves themselves desired their freedom, ignorant perhaps of what might really contribute to their happiness; it was by the gift of it that their masters remunerated their long and faithful services, as the best reward with which they could be recompensed.—With regard, also, to their not returning to Africa, this was an argument, which could hardly be urged with seriousness. Sinking into years, perhaps, before they had saved enough to purchase freedom, was it to be expected they should venture across the Atlantic? If they could even reach their homes in safety, all their kindred and connexions would be, perhaps, no more; and, above all, they would reasonably apprehend they might once more be kidnapped, and forced to endure the horrors of the middle passage. But this love of their native country, and their desire to return to it, was proved beyond a doubt. Many of the witnesses had heard them talk of it in terms of the strongest affection. The acts of suicide were frequent, which, under their mistaken notions, they committed as the readiest means of being restored to their native land. Captain Wilson assures us, that the funerals, which, in Africa, were accompanied with lamentations and cries of sorrow, were attended, in the West Indies, with every mark af exultation and joy.

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He trusted he had made good his first proposition—that the causes of decrease were so many and so great, that this decrease might reasonably have been expected to be very considerable. In fact, however, in the island of Jamaica, which he conceived he might take as a fair specimen of the whole, it was very trifling; or rather, he believed he might assert, it had entirely ceased some years ago, and that the decrease was only on the imported slaves. In the report of the privy council, they had the numbers imported, and the actually existing numbers during the last 90 years. From 1698 to 1730, a period of 32 years, the decrease appeared to be 3½ per cent.; in the second period, from 1730 to 1755, the decrease was 2¼ per cent.; in the third period, from 1755 to 1768, it was lessened to 1¾; and from 1768, to 1788, at the utmost, it was not more than one per cent. From this, and other considerations, he felt himself warranted in asserting that the slaves in jamaica were now actually increasing, nor need this surprise the committee; for it was borne out by the positive testimony of Dr. Anderson, a physician of considerable eminence, who solemnly gave in evidence, two years ago, to the assembly of Jamaica, after enumerating the causes of the mortality of slaves, that notwithstanding all these, he believed that there was a considerable increase on the properties of the island.

He would now proceed to bring forward such facts and reasonings as justified his persuasion, that the slaves must henceforth be expected to increase, and that rapidly. And, in the first place, he must draw a most important inference from the gradual lessening of the decrease which he had already stated: for as this had uniformly kept pace with the melioration of the slaves treatment, so there was every reason to hope, that as this should be still mended, the decrease would continue to lessen in proportion. This expectation was put almost beyond a doubt by the following circumstance, that wherever any one of those causes, to which he had ascribed the decrease of slaves, had been either wholly, or in a great degree, removed, the decrease appeared to have been stopped though all the other causes continued in full operation. Thus, in the case of several of their opponents witnesses, whenever the gentlemen examined had treated his slaves better than ordinary, you were almost sure to hear in the sequel, that he had kept up the number of his gang. The instances of estates which, in the evidence appeared to have kept up their numbers, were very many, and almost always to be accounted for from some circumstance of good treatment. Mr. Long had laid it down, that whenever the slaves should bear a certain proportion to the produce they might be expected to keep up their numbers, and this proportion they now exceeded. The assembly of Jamacia had given it as their opinion, "That when once the sexes shall become nearly equal in point of number, there was no reason to suppose that the increase of negroes, by generation will fall short of the natural increase of labouring poor of Great Britain." The committee would be aware that the inequality here spoken of, could only exist in the case of the African negroes, of whom more males than females, are imported. It was his decided opinion, that the disproportion, even in this part of the island stock, was by no means great, nor would he allow, for a moment, that it was such as could counteract the natural course of population. Nor should it be objected, that several persons of undoubted credit had stated, that they had in vain endeavoured to keep up their gangs without purchase; for, if this argument were to be deemed conclusive, it might be proved that the people of this and of every other country were rapidly decreasing. But, he must point the committee's attention to the continent of America; there it would be found, that the slaves had increased at a rate which was truly astonishing in one instance, from 200 to 500 in the space of about 30 years. From one end of the continent to the other, this increase was undeniably established: though the climate was far more unfavourable than that of the West Indies to the constitutions of the negroes. The only observable distinction was, that they were much better fed, and, in some places, more domesticated: yet these circumstances produced the difference he had mentioned, though so powerfully counteracted by an unfavourable climate.

He should next direct their attention to another part of the world, where, as if to show that there could be no situation in which these people would not keep up their numbers, they would be found to have done so at a place the most unhealthy, he believed, in the habitable world. He spoke of the settlement of Bencoolen,

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where it appeared, that a number of negroes, who had been imported in the same disproportion of sexes that there is in the West India cargoes, and under the same disadvantages, as in the islands, of promiscuous intercourse and general prostitution, after they had been settled a short time, began annually to increase. — But the West Indies themselves would furnish a still more remarkable instance. About the beginning of this century an African ship was wrecked upon the island of St. Vincent. The number of negroes that escaped was not known. It was to be supposed the disproportion of the sexes was at least as great as in the cargoes at this day. They had every difficulty to contend against, were wholly unprovided with necessaries, and obliged to maintain a constant war with the native Caribbs: yet they had soon multiplied to an astonishing number, and Mr. Ottley believes them still to be on the increase. But this is not all; it appeared, from sir John Dalling's evidence, that the domestic slaves in Jamacia increased, and, from the writings of Mr. Long, that there was an increase among the free blacks and mulattoes. But he was aware that one instance of a contrary nature would be brought forward, contained in the evidence of sir A. Campbell. That gentleman had informed the committee, he had heard that the maroons in Jamaica had in 1739, amounted to 9000 men fit to carry arms, which supposes the whole number about 12,000; but that in 1782, they did not amount to 300. Sir Archibald added, that he understood they were decreasing daily: nor was this surprising, considering they had a free access to spirits, of which they are remarkably fond, and that they often cohabited with the women of the neighbouring plantations, and consequently were not recruited, in these instances, by the addition of their own progeny. But what would the committee say, when he should prove decisively, that these very people had increased and were increasing rapidly. In 1749, there was an enumeration of them, 150 men were able to bear arms, and their whole numbers were 616. They had increased to 300 men capable of bearing arms. He conceived that he had to a certain degree, proved to the satisfaction of the committee, that the decrease of slaves had been frequent and numerous, but that now they were increasing. If that was agreeable to the fact, surely they might safely give up all this scene of cruelty and barbarism.

He now proceeded to treat of the consequences of the abolition. And first, as to its effect on the marine. He had uniformly asserted, that this trade was the grave rather than the nursery, of seamen; he knew he could rely on the fidelity and accuracy of the gentlemen, by whom this subject had been investigated; but if his statements had wanted any authentication they were confirmed beyond a doubt by an abstract just laid before the House, of the Liverpool and Bristol muster-rolls. From these it would appear, that in 350 slave vessels, having on board 12,263 persons, 2,643 were lost in twelve months; whereas, in 462 West-India-men, having on board 7,640 persons 118 only were lost in seven months. This fully equalled, or rather exceeded, the losses stated by Mr. Clarkson. There was no part of this whole subject on which the committee had a more complete body of evidence than on this. Lord Rodney himself declared, that "the slave trade was certainly not a nursery for seamen." Governor Parry's letter, from Barbadoes, would never, he hoped, be forgotten. The evidence of Mr. Ross was clear on this point; and Mr. Edwards himself, whilst he complimented his countrymen on their humanity to the abject seamen who were left in Jamaica, showed, at least, that they were so left. Sir George Young and captain Thompson were very decisive as to the general ill treatment of the crews of Guineamen. The instance of captain Hall was very remarkable, who being in the impress service in the West Indies, at a time when seamen were much wanted, to send home the prizes which had been taken on the 12th of April, having brought off 90 hands, whom he selected with care from a crew of 70, was reprimanded by his admiral for introducing such wretches into the fleet, who were likely rather to weaken its strength, by communicating infectious disorders, than to render it any service. Nor was it only to the constitutions of sailors that this trade was injurious; it debased their moral character. Captain Smith had declared, that "when employed to board Guineamen for the purpose of impressing men, although he had boarded perhaps near 20 vessels, he never was able to get more than two men, and these turned out such cruel inhuman fellows, that, although good seamen, he was under a necessity of dismissing them." Mr. Ross says that an African ship had struck on some shoals,

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called the Morant Keys, a few leagues from the east end of Jamacia. The officers and seamen landed in their boats, carrying with them arms and provision, leaving the slaves on board in their irons and shackles. This happened in the night. When morning came, it was discovered the negroes had got out of their irons, and shame to the Europeans! not satisfied with saving themselves only, were busy making rafts, upon which they placed the women and children, the men and others capable of swimming attending on them, whilst they drifted before the wind towards the island where the seamen had landed. The minds of these seamen, if, by habit, they had not become hardened against every feeling of humanity, must have been moved by so interesting a scene; they would have been eager to repair their former cruel neglect, and to lend them their best assistance. But what was the sequel? "From an apprehension that they would consume the water and provision which they had landed, they came to a resolution to destroy the negroes by means of their fire arms and other weapons, and as the poor wretches approached the shore, they actually destroyed between 3 and 400. Out of the whole cargo, only 33 or 34 were saved, and brought to Kingston, where they were sold at public vendue." Mr. Wilberforce next noticed what were called the refuse slaves. Mr. Ross said, that he "had frequently seen the refuse of the slaves of Guinea ships, landed and carried to the vendue-master in a very wretched state, sometimes in the agonies of death, and there sold at very small prices, even as low as a dollar, and that he had known instances of their expiring in the piazzas of the vendue-master." The bare description superseded the necessity of any remark. Yet these were the familiar incidents of the slave trade!

He came next to the consideration of the effects of the abolition of the slave trade on those places by which it was most carried on. He alluded to Bristol and Liverpool, particularly the latter. Long might she be rich and flourishing, provided it was by fair and honest gains! but it was not by this detestable traffic that she had risen to her present opulence; and that not only because it composed but a thirtieth part of her export trade, but also because it was merely a lottery—profitable, indeed, to some individuals, but a losing trade on the whole. The delegates from Liverpool had declared, that, in order to give the merchant a profit, he must be allowed to carry a greater number of slaves in proportion to his tonnage, than he was permitted by the existing law; and in the accounts on the table, of the tonnage of ships and the number of slaves they carried, the cargoes of a great part of them would be found to be below that proportion. Of the commerce of Bristol, the slave trade constituted a still smaller proportion. For the effects of the abolition on the general commerce and manufactures of Great Britain, he would refer the committee, once more, to the evidence of Mr. Irving, where they would find that the benefits of its continuance, in these views, had been extremely exaggerated. The medium value of British manufactures exported to Africa, amounted but to about 400,000*l.* a year, and there was no doubt but that the superior capital, ingenuity, industry, and integrity, of the British manufacturer, would command new markets for the produce of his industry, when this should be no more.

He hastened, however, to another part of the argument. By many persons it had been said to him, "We wish, as earnestly as you can do, to put an end to the slave trade, but we cannot approve of your mode. Allow it to be carried on for some time longer; for by a hasty abolition, you will displease the legislatures of the West India islands, on whom you must, in fact, depend for such a melioration of the slaves condition, as, by insuring the keeping up of the numbers, will prevent the necessity of importation. It is by them the laws must be passed for the protection of slaves, and it is by the magistrates, and others in the islands, that these laws must be enforced." Now, said Mr. Wilberforce, I am directly at issue with these gentlemen: and though the effects of the slave trade on Africa, were not such as to preclude every idea of regulation, I should be decidedly of opinion, that the abolition was to be recommended as the only certain mode of so far amending the treatment of slaves in the West Indies, as to secure their increase.—In order to show the inefficacy of any laws which might be passed for securing good treatment to the slaves, it would be sufficient to acquaint the House, that the evidence of negroes was in no case, admitted against white men. The consequences of this would be obvious, when it should be considered, that there were seldom more than one or two white men on a planta-

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tion; and, in the language of the Grenada answer, that "those who were capable of the guilt in question, will, in general, be artful enough to prevent any but slaves being witnesses of the fact." Hence it had arisen, that when positive laws had been made, in some of the islands, for the protection of the slaves, they had been found almost a dead letter.—But, granting it were possible, by positive laws, to protect the slaves from the extremes of ill usage, from murder and mutilation, by what laws could they hope to enter into every man's domestic concerns, and regulate the interior economy of his house and plantation? This would be something more than a general excise, and what would never be borne by freemen. Yet on all these, and innumerable other minutenesses, must depend the comfort of the slaves' situation, and the probability of their increase. A new system, indeed, had been attempted to be introduced, by which individuals, under the name of guardians, were, by turns, to see that the laws were carried into execution; but all this machinery would be to no purpose; and so long as it continued in action, it would make every man a spy upon his neighbour's conduct: it would poison the comforts of domestic life, and destroy the confidence of social intercourse. But it would be conceding too much to admit, that, even in greater matters, the laws would be effectual. It was universally allowed, that the regulations of the Code Noir, however excellent, had been utterly neglected in the French West India islands, though there was an officer appointed by the Crown, for the express purpose of seeing them enforced. The provisions of the Directorio had been but of little more avail in the Portuguese settlements, nor the institution of a protector of the Indians in those of the Spaniards. This lesson of the futility of slave laws, was so experimentally inculcated on the spot, that many in the islands ascribed the bills which had been lately passed, to a disposition to blind the people of this country, rather than to any serious expectation of being able to carry them into execution. For his own part, he sincerely disclaimed any such opinion: on the contrary, he gave ample credit to many of those who had an active share in bringing them forward. But, after all their regulations, what degree of protection the slaves would enjoy, might be inferred from the admission of the gentleman by whom this very plan had been recommended. He had proposed a limitation of the number of lashes, to be given by the master or overseer, for one offence; but when asked, "Can you suggest any mode by which the master can be brought to punishment, even if he should give the slave ever so great a number of lashes in a short space of time, screening himself under the artifice of splitting one crime into many, and giving the limited number of lashes for each?" he frankly replied, "I can devise none, while the evidence of slaves continues inadmissible against their masters." After this, who would maintain, that the treatment of slaves by their masters could be made subject to the regulations of the law?

But this plan of amending the situation of the slaves, and securing their good treatment by laws, was not only inefficacious, but unsafe. He entered his protest against the fatal consequences which might result from it. The negroes were creatures like ourselves: they had the same feelings, and even stronger affections than we had; but their minds were uninformed, and their moral characters were altogether debased. Men in this state were almost incapacitated for the reception of civil rights. In order to become fit for the enjoyment of these, they must, in some measure, be restored to that level from which they had been so unjustly and cruelly degraded. To give them a power of appealing to the laws, would be to awaken in them a sense of the dignity of their nature. The first return of life, after a swoon, was commonly a convulsion, dangerous at once to the party himself and to all around him. Such, in the case of the slaves, might be the consequence of a sudden communication of the consciousness of civil rights. This was a feeling it would be dangerous to impart, till you should release them from such humiliating and ignominious distinctions, as, with that consciousness, they would never endure. You must conduct them to the situation in question, having first prepared them for it, and not bring the situation to them. To be under the protection of law, was, in fact, to be a freeman; and to unite slavery and freedom in one condition was a vain attempt: they were incompatible, and could never coalesce. With this system, which he thus condemned, he wished to contrast the abolition, which was exactly such an agent, if he might so express himself, as the na-

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ture of the case required. All hopes of supplies from the coast being cut off, breeding would henceforth become a general object of attention, the effects of which would not be confined merely to those greater articles of better feeding and milder discipline, but would extend to innumerable other particulars, which an act of assembly could neither specify nor enforce. Whatever might be said to the contrary, it was plain too many had gone upon the system of working out their slaves in a few years, and recruiting their gangs with imported Africans. The abolition would give the death blow to this system. The opposite one, with all its charities, would force itself on the most contracted and unfeeling heart. Ruin would stare a man in the face, if he did not conform to it. The sense of interest so much talked of, would not, as heretofore, be a remote, a feeble, or even a dubious impulse; but a call so pressing, loud, and clear, that its voice would be irresistible. But its grand excellence was, that it would stand between the absentee master and his slaves, and secure to them the effects of his benevolent intentions. Managers would henceforth be forced to make breeding the prime object of their attention; and every non-resident owner would, like sir Philip Gibbs, "consider it as the fault of the manager, if he did not keep up the numbers." This reasoning, considering the dangerous tendency of the one system, and the happy consequences of the other, appeared almost self-evident. Facts were not wanting, however, to confirm the truth of it. It had been remarked by the historian of Jamaica, that insurrections almost constantly owed their rise to the African slaves, who, not having lost the consciousness of civil rights, which they had enjoyed in their own country, could not brook the indignities to which they were subjected in the West Indies. The effects broke out in general rebellions, or appeared in particular acts of suicide, of which last, though frequent among the African negroes, he did not recollect to have ever heard of a single instance among the creoles. The safety of his system had in this respect been tried already; for it was universally agreed, that the treatment of the slaves had been gradually growing better, and insurrections less frequent. An instance in point was afforded by what had lately taken place in the island of Dominica. It was notorious, indeed, that the disturbance had chiefly arisen from some runaway slaves from the French islands; a circumstance which had produced the same consequences several years before; but, so far as any cause connected with treatment was concerned, what was that cause, and what was the object on which the dissatisfaction of the slaves was said to have fastened? What, but that they were not allowed the full time of recess from labour to which they had a legal right? and the quieting effects of mild treatment appeared in this, that the slaves of some persons who had been treated with kindness, were not among the number of the insurgents. He could not help adding, that he thought his doctrine, that the slaves must owe their comforts to the masters' indulgence, rather than to the protection of law, had been, in a considerable degree, sanctioned and verified, even in the island of Jamaica; for all the laws for the protection of slaves, which had been formed into one consolidated act, having expired in 1784, and the assembly, owing, as was alleged, to pressing business, not having revived it till 1787, during three years the slaves were altogether destitute of the protection of those so much boasted statutes; and yet we do not hear that they were, in any degree, better or worse off than when these continued in force.

But when gentlemen coolly talked of putting an end to the slave trade, through the medium of the West India legislatures, and of gradual abolition, by the means of regulations, they surely forgot the continent of Africa, and the miseries which this horrid traffic occasioned there, during every moment of its continuance. This consideration was conclusive on his conduct, when called on to decide, whether the slave trade should be tolerated for a while, or immediately put an end to? The divine law against murder was absolute and unqualified, and precluded every consideration of expediency. Whilst we were ignorant of all these things, our suffering them to continue, might be pardoned; but now, when our eyes are opened, can we tolerate them for a moment, unless we are ready at once to determine that gain shall be our god, and, like the heathens of old, are prepared to offer up human victims at the shrine of our idolatry? This consideration precluded also the giving heed, for an instant, to another plea which had been often insisted on, that if Great Britain were to abolish this

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trade, it would be proportionably taken up by other nations; for he could by no means conceive that this was likely to be the case. If, in this country, where the means of information were so generally diffused, the evils of this detested commerce were never before laid open to the view, what wonder if, in other countries, where these means are extremely deficient, these evils were unknown? And was it fair to infer, from edicts and proclamations encouraging the trade, which were passed in this state of ignorance, that they would not, at once, revoke them, when their eyes should be fully opened to its enormities? He would not so calumniate the character of other nations, as, even for a moment, to give place to the contrary supposition.—But it became Great Britain, in every view, to take a forward part. One half of this guilty commerce had been carried on by her subjects. As we had been great in our crime, let us be early in our repentance. If the bounty of Providence had showered its blessings on us in unparalleled abundance, let us show ourselves grateful for the blessings we enjoyed, by rendering them subservient to those purposes for which they were intended. There would be a day of retribution, wherein we should have to give an account of all those talents and faculties and opportunities with which we had been entrusted. Let it not then appear that our superior power had been employed to oppress our fellow-creatures, and our superior light to darken the creation of God. He could not but look forward, with delight, to the happy prospects which opened themselves to his view in Africa, from the abolition of the slave trade, when a commerce, justly deserving the name of commerce, should be established with her, not like that, falsely so called, which now subsisted, and which all who are interested for the honour of the commercial character, though there were no superior principle, should hasten to disavow. Had this trade, indeed, proved ever so profitable, his decision would have been in no degree affected by that consideration. "Here's the smell of the blood still, and all the perfumes of Arabia will not sweeten this little hand."

He doubted whether it was not almost an act of unbecoming condescension to stoop to discuss the question in the view of commercial interest. On this ground, however, he was no less strong than on every other. Africa abounded in many productions of value, which she would gladly exchange for our manufactures, when these were not otherwise to be obtained; and, to what an extent her demand might then grow, exceeded almost the powers of computation to appreciate. One instance already existed of a native king, who being, by his religion, debarred the use of spiritous liquors, and therefore not feeling the irresistible temptation to acts of rapine which they afforded to his countrymen, had abolished the slave trade throughout all his dominions, and was encouraging the arts of honest and bloodless industry.—Mr. Wilberforce proceeded to declare, that interested as he might be supposed to be in the final event of the question, he was comparatively indifferent as to the present decision of the House. Whatever they might do, the people of Great Britain, he was confident, would abolish the slave trade, when, as would now soon happen, its injustice and cruelty should be fairly laid before them. It was a nest of serpents, which would never have endured so long, but for the darkness in which they lay hid. The light of day would now be let in on them, and they would vanish from the sight. For himself, he declared that he was engaged in a work he never would abandon. The consciousness of the justice of his cause would carry him forward, though he were alone; but he could not but derive encouragement from considering with whom he was associated. Let us not, said he, despair; it is a blessed cause, and success, ere long, will crown our exertions. Already we have gained one victory; we have obtained, for these poor creatures, the recognition of their human nature, which, for a while, was most shamefully denied. This is the first fruits of our efforts; let us persevere, and our triumph will be complete. Never, never will we desist till we have wiped away this scandal from the Christian name, released ourselves from the load of guilt, under which we at present labour, and extinguished every trace of this bloody traffic, of which our posterity, looking back to the history of these enlightened times, will scarce believe that it has been suffered to exist so long a disgrace and dishonour to this country.—Mr. Wilberforce then moved, "That the chairman be instructed to move for leave to bring in a bill to prevent the farther importation of Slaves into the British colonies in the West Indies."

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Colonel *Tarleton* said, that gratitude towards those constituents who had sent him so honourably to that House, as well as a thorough conviction of the justice of their cause, impelled him to vindicate their character and property, although, perhaps, from inexperience or inability, he might not be able to accomplish what he so ardently desired. The ingenuity, the amplification, and the pathetic eloquence, of the hon. gentleman, having worked no conviction on his mind, he should enter upon the arguments he had to offer against the abolition of the slave trade. He said, he should state the origin of the trade, the sanction given to it by government, the manner of conducting it, the treatment of the negroes in the West Indies, the amount of the property engaged in the trade, the value of the West India islands to this country, the eagerness which other nations had discovered to enlarge their slave trade, and the importance of the trade as a nursery for seamen. He then went into an historical account, from the reign of queen Elizabeth down to the present time, quoting his authority, and dwelling some time on this part of the subject. He next came to the sanction of parliament, which had always countenanced the trade, and could not, without a breach of faith, be withdrawn; and here he recollected what had fallen from the chancellor of the exchequer on a former occasion, and which he thought applicable to those concerned in the African trade; it was, that upon no occasion short of absolute necessity, ought private property to be seized by public acts, without granting a compensation. The colonel contended, that the Africans themselves had no objections to the trade, and, that many people who were prejudiced against it, had been led away by mistaken humanity, and by misrepresentation. With regard to the number of deaths which happened on the passage, he could distinctly state, thet they never had exceeded in the Liverpool ships, on an average, 5 out of 500, whereas, in regiments sent to the West Indies or America, the average was about 10½ in the 100.—Many attempts had been made to cultivate the lands in the different islands by white labourers; but it was found, that from the difference of climate, and other causes, population had decreased, and that those who took the greatest pains to accomplish this, found that, in ten years time, they could not have any proportion of whites at all capable for purposes of cultivation. He therefore agreed in the necessity of the slave trade, if we meant to carry on the West India commerce and cultivation; and he quoted the opinions of governor Parry, adm. Hotham, commodore Gardiner, sir A. Campbell, and a long list of respectable names, in support of the position which he had laid down. Next, he gave the opinion of lord Rodney, as to the great advantage which accrued to the navy, upon the breaking out of a war, by having so numerous a body of mariners, inured to the climate, when we wished to send a fleet to the West Indies; a circumstance worthy of attention. From Liverpool alone, he said, the navy might be supplied with 993 seamen annually; an object that certainly ought not to escape the notice of a wise government.—He could wish gentlemen to advert to the property and connexions dependent on the African trade. He could wish to impress them strongly with the recollection of the sanction which the African trade had obtained from parliament. He could wish to remind them of the length of time the question of abolition had been pending in that House. And he trusted that he should not make a futile appeal to that House, when he called upon its justice to extend an immediate vote of protection to the West India planters, whose lives had been, and were, exposed to imminent danger, and whose property had undergone a severe and unmerited depreciation. To what could gentlemen ascribe that depreciation—to what could they impute the late insurrection at Dominica, but to the question of abolition? After a tedious investigation of that question for near four years, he could not discover the slightest reason to justify delay, except gentlemen could not prevail upon themselves to decide, before an insurrection had absolutely taken place at Jamaica, when the sorrow of the mover and abettors of the abolition, and the interference of that House, would be equally unavailing. He addressed himself severally to the landed interest, and to the mercantile, showing that it would affect them ultimately; and conjured them to join with him in resisting a measure so injurious to the national glory, commercial honour, and political interests of Great Britain. He could not bring himself to think this a convenient time to make an experiment which presented a certain prospect of loss,

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and no probability of advantage. An abolition would instantly annihilate a trade, which annually employed upwards of 5,500 sailors, upwards of 160 ships, and whose exports amount to 800,000*l.* sterling; and would undoubtedly bring the West India trade to decay, whose exports and imports amount to upwards of 6,000,000*l.* sterling, and which gave employment to upwards of 160,000 tons of additional shipping, and sailors in proportion. He concluded by declaring, that he should oppose the abolition of the slave trade, whenever and in whatever shape it was brought forward.

Mr. *Grosvenor*, having prefaced his speech with many compliments to the humanity and good intentions of the hon. mover, said, that he had read only the report of the privy council, for he wanted no other evidence, and it appeared to him from the delay of two years that the hon. gentleman himself must have great doubts of the propriety of his motion; for, if it was so clear a point as it was declared to be, it could not have needed either so much evidence or so much time. He had heard a great deal of kidnapping slaves, and of other barbarous practices. He was sorry for it: but it should be recollected, that these things were the consequence of the natural law of Africa, and that instead of declaiming against it, we should endeavour, like wise men, to turn it to our own advantage. Gentlemen had displayed a great deal of eloquence in exhibiting, in horrid colours, the traffic in slaves. He acknowledged it was not an amiable trade, but neither was the trade of a butcher an amiable trade, and yet a mutton chop was, nevertheless, a very good thing. He could not help doubting the propriety of the motion; and the more he considered the subject the more was he persuaded that it was an improvident and unwise measure. He would endeavour to explain the nature of his objections to the motion, by introducing a story. When the duke of Marlborough was abroad, the commander of a garrison, which he visited, made an apology for not saluting his grace, according to the custom, assuring him he had a hundred reasons to assign for not doing it; the first of which was, that he had no cannon; upon which the duke immediately answered, that he would excuse him the other ninety and nine. Just so Mr. Grosvenor said, he had twenty reasons for disapproving the abolition of the slave trade; the first of which was, that the thing was impossible: and therefore he need not give the other nineteen. Parliament could not abolish the trade; they might relinquish it; but to whom? to France, Spain, Holland, and other countries, who would take it up, and share it among them; so that the trade would be still continued, and without the humane regulations applied to it by the English. In conclusion he quoted a saying of the late alderman Beckford, on the origin of the American war, when he cautioned the House against it; "meddle not with troubled waters," said the alderman, "they will be found to be bitter waters, and the waters of affliction." He must acknowledge that the slave trade was an unamiable trade; but he would not gratify his humanity at the expense of the interests of his country, and he thought we should not too curiously inquire into the unpleasant circumstances with which it was perhaps attended.

Mr. *James Martin* observed, that whoever had lived to an advanced age, must be well aware to what a considerable degree a mistaken self-interest could darken the understanding, and prevert the judgment, even of the best meaning persons. He had often, with much concern, observed, how very perniciously this bias operated to the detriment of society, and to the disgrace of mankind: but he was not apprized of the full power of this delusion of the mind, till the business now before the committee began to be the subject of public discussion. He had always conceived, that the custom of trafficking in human creatures had been incautiously begun, without its dreadful and necessary consequences being foreseen; for he never could persuade himself that any man, under the influence of moral principles, could suffer himself knowingly to be carrying on a trade replete with fraud, cruelty, and destruction. But, it was clear to every person of accurate observation, that those who blindly listened to the suggestions of a narrow self-interest, did really counteract that interest to which they were ready to sacrifice every just, noble, and public principle.—He said that it was well observed, in the excellent petition from the university of Cambridge to that House, against the slave trade, that, "a firm belief in the providence of a benevolent Creator, assures them that no system founded on the oppression of one part of mankind can be beneficial to

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another." He felt much real concern and mortification that, in an assembly of the representatives of a country, boasting itself zealous, not only for its own liberties, but for the general rights of mankind, it should be necessary to say a single word on such a subject: but, from the sentiments he had heard in various conversations, very much to his surprise, it appeared, that, however strongly the sense of truth and justice was impressed on the minds of unprejudiced persons, the deceitfulness of the human heart was such, as to change the appearances of truth when it stood in opposition to self-interest, as self-interest is often unfortunately misunderstood. He lamented that he had heard doctrines maintained which seemed to have been reserved for times the most flagrantly profligate; but he trusted that such doctrines would not be received, or even offered in that assembly. He never expected to hear that the everlasting laws of righteousness were to give way to imaginary political and commercial expediency, and that multitudes of our fellow creatures, several scores of thousands annually, were to be reduced to the most wretched of all states, that individuals might enjoy a greater degree of opulence, or that the state might collect somewhat more for its revenue. These considerations compared with the sacred and eternal rules of justice and mercy, were so trifling, that he trusted they would have no weight whatever, when opposed to them; and he could not but be very sanguine in his hopes of success to the measure proposed by the worthy mover, when he considered that from the goodness of his cause, he must necessarily have the countenance and support of the most respectable bodies of men, as well as of private individuals of almost every description, as he should now endeavour to show. However, Mr. Martin said, we might have differed in party opinions, concerning certain high and distinguished characters, he believed that all would allow the first persons of royal dignity in this country to be of merciful and benevolent dispositions, and that they had inspired those descended from them with the same sentiments of humanity and generosity. This being so, we might justly entertain the warmest hopes of the countenance and support of every part of the royal family. Both Houses of Parliament were now engaged in the prosecution of a gentleman accused of cruelty and oppression in a high degree. He feared that some of the charges brought against that gentleman might be too well founded; but so far as appeared to him, in regard to the exercise of any cruelties brought home to him, they were neither to be compared in number or degree to those which were every hour committed in the abominable traffic, the abolition of which was now under discussion. Of the reverend bench of bishops, who were, by their doctrine and example, to render christianity amiable, and to recommend it to the world, he must not be permitted to doubt on this occasion; and some of the inferior clergy had already manifested an honest zeal in this most righteous cause. The university of Cambridge had presented a petition to that House worthy the attention of every well-wisher to humanity; and the sister university had, by the mouth of one of her respectable representatives given a sanction to the measure. Dissenters of various denominations (particularly the Quakers, who, upon this occasion, to their immortal honour, had taken a leading part) vied with some of the most respectable of the established church, standing forth in this excellent cause. We had, for many years, and, Heaven knows, with too much reason, been hearing violent accusations of delinquents from India. Surely the accusers of such delinquents would be eager, upon this occasion, to show that they had been actuated by the pure principles of humanity, without party spirit or other unworthy motives. Particularly, he should much confide in those gentlemen, who, as managers of the prosecution against Mr. Hastings, had exhibited such astonishing eloquence, as, perhaps, was never excelled, or even equalled. The same powers of eloquence exerted in a cause at least as worthy, must defeat every opposition which narrow and mistaken self-interest could raise against the measure. Some of the greatest trading towns in this country had declared for the abolition, in which they had been joined by many of the first counties in weight and consequence, particularly by that county of which the hon. mover was one of the representatives.—With so much good support, and so good a cause, it must be impossible to fail. Let but every man stand forth, who had, at any time in his life, boasted, as an Englishman, of a superior regard to the general rights of nature and mankind, and who had pretended at least to despise other nations as be-

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ing defective in such regard, and we should most assuredly succeed: but if it were otherwise, we must have a most shameless effrontery, if we should ever after pretend to the character of real christians, or Britons, or indeed of men of such general moral principles as should govern every human being, of whatever country or religion. We who were tenacious to excess, if it were possible, of our rights, and manifested the hottest indignation even at the smallest personal insult (particularly if it were offered by the hand of government)—we, who had punished tyrants of the highest rank in this country—were we to suffer innocent creatures to be whipped, scourged, and tortured without discretion, without control, without trial, and without law? While we could hardly bear the sight of any thing resembling slavery, even as a punishment, among ourselves, should we countenance the exercise of the most despotic power over millions of creatures who, for aught we know, were not only innocent, but meritorious?—It has been said by the advocates for the continuance of this commerce, that we should not be too eager in setting the example, but that we should wait for the French, or other foreigners, to take the lead in this business. How far such a sentiment was consistent with the generous character of this nation, he would leave to the judgment of every impartial person; but he should have flattered himself, that we should rather have been fearful of being anticipated by those whose principles, in regard to the rights of mankind, we had not been accustomed to hold in very high respect. If we should set this good example, and not be followed by other European nations, let the guilt and infamy of such a system, lie heavy on those who, in that case, would continue to act upon it, in spite of example, added to the dictates both of reason and religion. We should be more able to bring ourselves up to this standard of rectitude, if we endeavoured to imagine ourselves in the situation of those who are oppressed, and then seriously considered what we should think of such as would wish to establish a just and equitable system of morality in regard to themselves, and one of another kind towards those whom, for certain reasons, they might erroneously think it their interest to oppress. But let us not deceive ourselves so grossly as to imagine that it is our real interest to oppress any of our fellow-creatures. The advantages to be obtained by oppression and tyranny, were imaginary and deceitful to the oppressor and the tyrant; and the evils they caused to the oppressed, were heavy, grievous, and many times insupportable. He had only to conclude with giving his hearty assent to the present motion, and with imploring the blessing of Heaven on every honest and earnest endeavour for the attainment of its perfect and complete success.

Mr. *Burdon* said, that the hon. opener had, in a great measure, met his ideas. He considered himself as very much in his hands; but he wished to go gradually, and not so much at once, to the question of abolition. He wished to give time to the planters for taking such measures as would keep up their stock; and he feared lest the immediate abolition might cause a monopoly among the rich planters, to the prejudice of the less affluent. A judicious physician would follow nature, and produce a gradual recovery of his patient, by administering gentle alteratives, rather than hazard the death of the patient by giving strong and violent medicines all at once. He wished, therefore, for some motion short of abolition.

Mr. *Francis* said, he should have contented himself with giving his vote for the motion, but for some considerations which were personal, and by which he thought himself particularly called upon to deliver his opinion on the present occasion, not implicitly by a vote, but expressly by declaration. He believed he was not very likely to be suspected of receiving with special favour and partiality, any measure introduced and recommended from the other side of the House; that, in his own situation in private life, every motive, by which the conduct of men is usually determined, was united on one side, and powerfully pressed upon him, to engage him to take part this night, against his opinion. Connexions of every sort; friends who were dear to him, and who thought their fortunes were at stake; solicitations the most urgent, from persons, to whom he was bound by many ties; and possibly, the prospect of advantage to himself or to his family at a future day, to be forfeited or preserved; all these were in one scale, and nothing in the other, but the justice of the cause, and the protection of creatures, who would never know that he had endeavoured to serve them, or whose gratitude

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could never reach him. He did not state these circumstances for the sake of ostentation, or as a claim to merit, but to fortify his cause, by showing that his opinion was sincere. Sir, I do not intend to go far into the general subject. If the undisputed state of facts; if the clear and able argument delivered by the hon. gentleman, who takes the lead in this business, has not carried conviction along with it, I must conclude that truth and reason on this subject have no access to the human mind. Many gentlemen, indeed, have asserted what they have by no means established, and what upon the whole, I utterly disbelieve, that this trade is profitable; but no man has yet had the courage to affirm, or even to insinuate, that it is not criminal. The question then is not, whether the trade be criminal, but in what degree? Is it a crime of the highest guilt in morals, or is it in practice capable of palliation? Will it admit of an excuse? No, Sir; I declare upon my honour and my conscience, none—I pass by the traffic, as it is conducted on the coast of Africa—the temptation you give to one human creature to make a property of another, and to sell him to perpetual slavery. I take no notice of the miseries it produces in that country. Remember only, that, whatever they are, you are answerable for them all. You create the market, and it is the market that constitutes the demand, and produces the supply. I shall not insist upon the horrors of the Middle Passage—you do well to pass over them with disregard. The most determined mind, the most obdurate heart, if it be human, could not listen to the evidence on that subject, without torture. I take these creatures in that which is stated to be their best situation; at their landing in the islands; at their arrival in the land of promise, where they are instantly to find relief from their sufferings; where, in return for a moderate degree of labour, a tolerable mode of existence is provided for them. You say you have paid for them; that they subsist at your expense, and that you have a right to their labour. Be it so. On that principle, let us see how they are treated. In considering the state of slavery in the West Indies, the object which instantly strikes my mind with a force and conviction, to which the evidence of special facts hardly makes an addition, is the power of corporal punishment, allotted as I find it. I do not ask you to inquire in what manner this power is exercised, but how it is disposed of, and to whom it is trusted, and then to determine what must be the effect of it. They know nothing of the human constitution, who have not observed, that power of every sort of one man over another, has a natural tendency to deprave and corrupt the mind. The moment I hear of such power, uncontrolled, in any hand, I conclude that the depravity is unlimited. The actual exercise of it, in the infliction of punishment, assuredly introduces that worst and most odious of all disorders in the moral system, personal cruelty. The truth of these principles is acknowledged by the spirit and caution of our penal laws in every other instance, by the care they take, in all criminal proceedings, to separate the interest from the judgment and the judgment from the execution. They will not suffer such characters and powers to be united in one person; nor are they united in any civilized society upon earth, except in our West India islands. What are the usual offences imputed to the negroes? In ninety-nine instances out of a hundred, they are either idleness or theft. They do not work hard enough to satisfy the task-master (and why they should work at all, I know not), or they steal provisions. The thing they can eat is the only thing worth their stealing. Food is the only object of theft which it is in their power to conceal, or that could possibly do them any service. Consider the risk they run, the horrible punishments they suffer when detected, and then you may conceive in what manner they are fed. But, in the consideration of these offences, who is the offended party? The negro driver. Who is the judge of the fact? The driver. Who awards the punishment? The driver. Who inflicts it? The driver with his own hand. But how? Captain Giles, of the army, says, that "the punishment by whipping, though with fewer lashes given, is more severe and cruel than that of the army, because of the size of the whip." Captain Hall, of the navy, says, "that in Barbadoes and the Leeward Islands, the treatment of the negroes on the plantations was inhuman; that the punishments inflicted were very shocking to persons not used to see them; much more so, than on board a man of war. The field slaves were generally marked with the whip." This is the mode of punishment. What is likely to be the degree of it? An angry

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man determines the penalty; an offended judge inflicts it; and he, perhaps, by office, by habit, and occupation, one of the lowest, if not worst of our species. If you cannot have an indifferent judge of the offences of these wretches, at least let there be a cold, indifferent executioner. It is a horrible truth, that when once the lash is lifted by an angry man, with despotic power over the object, his rage is inflamed by every stroke he gives. The cries and writhings of the creature are called resistance; even his patience is called sulkiness: even his sufferings are an offence. The decrees of passion are executed by passion. Admitting the power to be necessary, is there any protection against the abuse of it? Have the negroes any shelter? Have they any appeal? Is there a law to deter, is there a magistrate to resort to? No, Sir; none at all. Mr. Terry, who was many years an overseer in Grenada, says, "that he has known slaves punished by managers severely for trifling faults; that they durst not complain to the owner, for fear of worse treatment; that he has known them punished by the owner for so doing, and sent back, though their complaint was just; that field slaves usually bear the marks of the whip; and that he never heard that a slave complained to a magistrate of his owner, manager, overseer or attorney; that he has known the same person both attorney, manager, and doctor on one estate; that he never knew a planter or manager interfere with another's treatment of his slaves; that food is the general object of theft among slaves, and at the hazard of their lives. That an overseer on the estate where he was, (Mr. Coghlan) threw a slave into the boiling cane juice, who died in four days; he was not punished otherwise than by replacing the slave, and being dismissed the service."—Against all the allegations and all the arguments on this subject, one general answer is usually stated, and supposed to be conclusive: "The negroes are our property; we have paid high prices for them; our profits depend upon the care we take of them. If we are bad men, at least we understand our interest too well, to destroy or disable the instruments, by which alone our estates are made of any value to us." In the first place, Sir, the proprietor is not in general the person who exercises the power in question; if he were, it might be fair to presume, that the consideration of his true interest would be some restraint upon his passions. I fear, that in general it would not be effective. Many of the West India proprietors, I know, are men of as much honour and humanity as are to be found in any other rank of life; but they reside in England. Concerning the management of their estates, they have no other evidence but the information of their overseers; concerning the treatment of their slaves, they have nothing to judge by, but the amount produce of their labour. If the returns are abundant, it is not likely that the owners should be much disposed to inquire into abuses, by which their immediate profits do not appear to be diminished. They hear no complaints; they live happily themselves, and conclude that all is well. But I deny that the principle, so assumed and relied on, namely, that slaves will be well treated, because it is the interest of an owner to take care of his property, is conclusive in this case, as it would be in the case of inanimate property. All the protection which you can expect from the principle, and it goes no farther, is, that corporal punishment shall not be inflicted to the hazard of life and limb; that the slave shall not be disabled from performing the task allotted to him. Within that limitation, the lash may be inflicted with the most shocking, capricious severity, provided it does not essentially injure the property of the owner. But to secure even that degree of protection, he ought never to trust the lash out of his own hand. He delegates his power to another, but not the interest, which, you say, is to govern the exercise of it. Still the negroes are your property: so are your horses, and of more value too, if price and value are the same. See how those noble, useful animals are treated, by coachmen and others, every day in the streets; every night at the doors of the crowded assemblies of this town, before the eyes of their masters and mistresses, and even at the hazard of their lives. I have been often witness to these abominable scenes of riotous or passionate cruelty. Did you ever hear of a coachman punished, or even dismissed, for cruel treatment of his horses?—One would think, at the first view of the subject, that a plantation, once properly stocked with male and female negroes, would supply itself, without father importation. I wish it were so; for then I should conclude that the condition of the

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negroes was tolerable at least. There is nothing in the climate or soil to counteract the propagation of negroes in the islands, any more than in Africa, where they multiply to excess. In all other countries, the labouring part of the people are in general the most prolific. Why not in the West Indies? Excessive labour, and scanty unwholesome food, would be sufficient to check population any where. —But the fact is, that the planters do not think it their interest to encourage it. Captain Hall tells you, that "in the British islands, breeding is not thought desirable; they rather thought it a misfortune to have pregnant woman, or even young slaves. They esteemed the charge of rearing a child to maturity, more troublesome and greater than buying a slave fit for work; and it was not uncommon for them to give away a child of two years old, as you would a puppy from a litter. Has heard an overseer of some consequence express this opinion. It was, in fact, his system to prevent population, as far as in his power; and he understood this to be a general system. So little care was taken of infants, that mothers deemed it a misfortune to have children: after the month, they were sent to field labour, with their child upon their back, and so little time afforded them to attend to its wants, that he has seen a woman, seated to give suck to her child, roused from that situation by a severe blow from the cart whip." Mr. Terry says, that "while a manager, he never received any direction about attention to pregnant women, or children: has heard managers say, it was cheaper to buy African slaves than to breed; that they wished the children to die, for they lost much of the mother's work during their infancy." Captain Ross says, "he has seen a negro woman flogged with ebony bushes, so that the skin of her back was taken off down to her heels; she was then turned round, and flogged from her breast down to her waist; and in consequence, he saw her afterwards walking upon all four, and unable to get up." Such is the treatment of women slaves, and in that state, too, which of all others, would excite pity in the most callous heart, that still had one human sensation left in it. But we are told that, although possibly facts of this atrocious nature may have happened in the early periods of the West India settlements, no such instances occur at present: that the government of the islands in this respect is greatly improved; that good laws have been made; that they are carefully executed; and that, upon the whole, the situation of the negroes is considerably mended, and grows every day more and more tolerable. Perhaps it may be so upon some particular plantations; but in general, I do not believe the assertion to be true. The operation of habits and principles is permanent and uniform; the check created by good laws can only be temporary and occasional, until they have acted long enough to effect a change in the manners of the people. It would have been natural to conclude, that while these inquiries were going on in England, and while the attention of the nation was so particularly directed to the subject as it has been lately, some restraint would have been laid upon practices, which it was well known had excited universal indignation here. One fact, which I shall state, will be sufficient to show you, what you have to expect from the probable effect of these pretended laws and regulations made in the islands for the protection of the slaves. It is not more than eighteen months ago that I read, in the Jamaica Gazette, an account of a female slave of the age of fifteen, flogged by one of these drivers, till she fell senseless on the ground. In this state she was dragged by the legs to a place which they call an hospital, till her mangled flesh was torn completely from her bones. In the hospital she died. The villain was tried for his life, and honourably acquitted, by twelve of his peers, every one of whom, I have a right to conclude, and, for my own part, have no sort of doubt, would have done exactly the same. On what pretence was he acquitted? Why, Sir, it was pretended. that the girl was his property; that it could not be his intention, because it was not his interest, to take away her life.— Sir, I have given you but a very slight specimen, indeed, of the horrors with which these books are filled. I will not argue the question, whether we ought to endeavour to put an end to them, or not: the very question is a disgrace to us. In such a case, I will not attempt to do that, which many personal considerations would have led me to do, to endeavour to compound with my duties, and to compromise between extreme right and extreme wrong. I give my vote for the abolition. I declare my opinion; I would do more if I could. Were I to have done

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otherwise, I do not believe that I could have enjoyed happiness in this world: I am sure I should not have deserved it hereafter.

Mr. *Pitt* expressed his wishes for an opportunity to deliver his own sentiments very fully, which, he feared, it was impossible to do that night; nor could there be time for a full discussion of the subject, on the part of other gentlemen, unless an adjournment were to take place. With the consent of the House, he should therefore move, that the chairman should now leave the chair, with a view of resuming the subject on the very next day.

Mr. *Cawthorne* was anxious not to separate before the question was decided, but, provided there was no longer delay intended than till the day following, he would not press his objections.

Colonel *Tarleton* said, it was his earnest desire to have the question settled without delay, and as the House was then extremely full, and there were many gentlemen who, to his knowledge, were going next day out of town, he should resist the motion of adjournment.

Colonel *Phipps* said, that though he opposed the abolition, yet he could not agree in opposing the question of adjournment; for he wished to have an opportunity of declaring what were those reasons which would decide his conduct, and he appealed to the candour of those who thought with him, whether there ought not to be an opportunity afforded for farther discussion.

Mr. *Fox* said, that although the opposition to any adjournment was undoubtedly uncandid and unbecoming, yet he thought that the hon. colonel who pressed for an immediate division, understood better the interest of his own side of the question, than the other hon. gentleman; for Mr. Fox said, he had ever conceived that the only way by which the abolition of the slave trade could be prevented, must be by stifling all inquiry, and by hurrying the House into some vote, which might seem to decide the question, before the opportunity of any real debate upon the principles of the slave trade was afforded. It was a trade which, the gentlemen themselves well knew, would not bear to be discussed. Let there be discussion, and although there were some symptoms of pre-determination in some gentlemen, the abolition of the abominable traffic must be carried. He would not believe that there could be found in the House of Commons, men of such hard hearts, and of such inaccessible understandings, as to vote an assent to the continuance of the trade, and then go home to their houses, their friends, and their families, satisfied with their vote, after being made fully aware of what they were doing, by having opened their ears to the discussion.

Mr. *Pitt* agreed with Mr. Fox, that from a thorough discussion of the subject, there was every reason to augur that the abolition would be resolved on. He observed, that, under the imputations with which this trade was loaded, gentlemen could not do justice to their own characters, unless they stood up and gave their reasons for opposing the abolition of it. It was unusual to force any question of such importance to so hasty a decision; for his own part, it was a duty incumbent on him, from the situation in which he stood, to state very fully his own sentiments on the whole question; and, however exhausted both himself and the House might be, he was resolved it should not pass without discussion, as long as he had strength to utter a word upon it. Every principle that could bind a man of honour and of conscience, would impel him to give the most powerful support he could to the motion for the abolition; but he had waited to hear what could be the arguments of gentlemen on the other side of the question, whom he conceived to be bound, still more strongly than himself, to vote for the adjournment.

Colonel Tarleton declined pressing his opposition, and the House adjourned.

April. 19 The House having again resolved itself into the committee, and the adjourned debate being resumed,

Sir *William Young* rose, and said:—Sir; Having yesterday listened with due attention, and I may say with admiration, to a speech of my hon. friend in which knowledge and subtle argument, and impassioned address to the heart, comprised all that could be expected from the most learned, the most acute, and the most eloquent advocate of the cause which he had undertaken, I felt the presumption of any attempt to counteract the first impression which he had made on the minds and passions of the House; and I wished to reserve my opposition to the measure which he proposed, to an hour of more cool and temperate discussion. I knew that the part, which, with others, I was to

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take, would bear time and reflection; I knew that we had the vantage ground of fact and of argument; and I knew that we could not be beaten from it, but by some momentary impetuosity and sudden effects. Truth and reason must indeed be strongly with us, to warrant a single hope of success in the event of this night's debate. Yet that hope I do venture to entertain, and I humbly request your attention whilst I state the facts and inferences on which I rely.

Sir, those who support the motion for an immediate abolition of the slave trade, have never pretended that certain interests may not be affected by such a measure. The utmost they have attempted to show, in palliation of sudden or eventual loss to our colonists, to our merchants, and to the manufacturers of this country, is a prospect of indemnification from a new trade, to originate in the farther culture and civilization of Africa as a natural result of suppressing the traffic for slaves. Hopes of this sort, are surely distant, if not delusive; whilst on their own grounds the loss of individuals and of the nation is great. But, without availing myself of any admission of much to be given up now, for much contended to be gained hereafter, I appeal for the foundation of consequences which I state, to the commercial tables of shipping and of export and import, contained in the report of the privy council, and in other documents on your table. But, as trustees for the great national interests which are involved in the question, surely we should do well to inquire into the real merits of the case. When my vote is solicited for an abolition of the trade in question, as far as relates to Great Britain only, I would wish at least previously to be convinced, that, whilst Britain loses, Africa will gain. I am most averse to a traffic of men, termed a slave trade.

Sir, Great Britain may abandon her part of this trade, but cannot abolish it. I wish to see that traffic for ever closed, as much as my hon. friend, but that "consummation devoutly to be wished," will be farther removed, by a too hasty and unqualified secession of Great Britain from that scene of warfare and disunion of all that is good in society: where she might better, by previous regulation of her concerns, instead of abruptly flying from them, give example of new sentiments, of new policy; and awaken original principles of justice and of nature, for Africa, and for the nations who trade with Africa; and thus eventually legislate for the world, and be indeed the imperial benefactress of mankind.—On the other hand, if Great Britain suddenly withdraws from this commerce, as Pontius Pilate, she hath washed her hands indeed, but is she thence the more innocent of what follows? If her intervention would have prevented what will follow, Great Britain is not the more innocent. It becomes me not to assume ought, but to show my grounds of apprehension. The premises which I have to argue on, are the details of evidence which heap your table; and I shall state such as are incontrovertible in proof that the nations of Europe, and the United States of America are crowding to this trade for slaves, and wait but its suppression on the part of Great Britain to rush on the coasts of Africa, in competition for the share of traffic thus newly opened to them. On the first agitation of this business in the year 1789, my hon. friend spoke with confidence indeed of other nations following the example of justice and philanthropy which was to originate in your abandoning your share of this traffic. Was that prophecy accomplished? Sir, it is true, that such prophecy was scarcely delivered, when a similar procedure was instituted in the national assembly of France; yet what was the result? Sir, the assembly paused on a question comprising so many and so great interests. The slave trade was referred to a select committee and the report of that committee calling on the assembly to reject the measure of abolition, M. Barnave moved sundry resolutions to such effect, and which were received with acclamation, and voted with unanimous assent. Two years have now passed, and I am astonished to hear again a repetition of promises and expectations thus proved to be delusive. In the report of the privy council, Mr. Dalzell, states the French to be gaining ground in the traffic of slaves in the kingdoms of Whydah, Dahomey and Angola. Mr. Penny mentions the French to have driven us from the trade of Loango, Melimba, and Cabenda, and to have established themselves in the trade for slaves within those districts during two years passed. Mr. Falconbridge says the French have, since the peace, supplaced us in the trade at Angola: and at Bonny have almost as great a trade as the English. In the evidence taken before the House of Commons, we find, from the

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testimony of Mr. Fountain, that the French have actually usurped of late a spot in territory, and are building a fort near Anamaboe, thence to push their trade on the Gold coast. Captain Frazer informs you, that so late as the year 1789, he had advantageous offers, if he would engage in the African slave trade under French colours. Mr. Taylor states a requisition made to him from some of the first mercantile houses in France, for the furnishing an assortment of his manufactures suited to the commerce in question.—Spain, too, is seeking a slave trade. In the report of the privy council, we have a contract made in 1786, by the court of Spain, with Messrs. Dawson of Liverpool by which the latter party is to supply 5000 slaves annually to the Spanish colonies, at 155 dollars per head, free of all duty. We find, that not satisfied with the trade restricted to this monopoly, the Spaniards are, for themselves, exerting endeavours to attain an active share in the slave trade. On the second of March, 1788, merchants from Cadiz, and planters from the Havannah and Hispaniola, are stated to be at London, and afterwards at Manchester, inquiring into the nature of the slave trade, and the assortment of cargo, and of outfit for the carrying it on. In the same document, we find the Phillipine company actually engaged in the traffic, and under the agency of a Mr. Testatis, to have already fitted out four ships, carrying 500 slaves each. Lastly, we find the king of Spain, by an edict dated at Madrid, 1789, not only encouraging a slave trade to his American and other subjects, by a bounty of four dollars on each slave imported, but in special favour of that commerce breaking through all the restrictive policy of Old Spain, and opening certain ports of its transatlantic dominions for two years to all foreign vessels whatever, freighted exclusively with African slaves—Denmark, too, is exerting itself to gain a portion of the commerce in question. Capt. Frazer speaks to the Danes already extending their trade on the Windward and Gold coast; and Mr. Baillie asserts that many Danish slave ships are waiting the result of the question in Great Britain, to start from that port with a view to partake of the commerce eventually opened to them. America hath, since her independence on this country, explored every channel of commerce, nor hath she omitted that for African negroes; her vessels on the coast of Guinea have increased from year to year. It appears from the evidence of Mr. Baillie, that in 1790, insurances were actually making in London, on slave ships ftom Boston, Virginia, and Charles Town, yet these were not the districts of the United States, particularly engaged in trade to the coasts of Guinea; a commerce, even more extensive, was at the same time carried on from Massachusets Bay and Rhode Island. The Dutch supersede all necessity of reference to testimony of individuals; for proof of the spirit and policy of that people, the most enlightened in all mercantile concerns, in the advancing the interests of their African slave trade, for the purpose of supplying their colonies, I here appeal to the most authentic documents of state, whence to infer farther exertions, should the dereliction of Great Britain, afford an opening to farther exertions. To this effect I shall cite an extract from the resolutions of the states of Holland and West Friesland, dated the 11th of May, 1788. Their noble and great mightinesses are fully convinced, that the want of slaves is fatal to the planters, and that as the Dutch trade to the African coast is greatly insufficient to supply their colonies with slaves, the planters are under the necessity of privately purchasing them from foreign vessels, and that a strict observance of the prohibition would, probably, ere now, have desolated a great part of the plantations; that therefore their noble and great mightinesses cannot recommend this, so necessary a prohibition against the importation of slaves in foreign ships, without recommending at the same time, effectual means for the speedy recovery of the trade of the Netherlands to that flourishing state (the coast of Guinea), which is absolutely necessary in order to supply the colonies with slaves."

I have thus shown the parties whom I have stated to be eager for the seizure of the ground we may quit in Africa. The means of taking up this ground cannot be less pernicious to the Africans, than any present share of the trade held by Great Britain. Let it not be told me, that the present evils are such as not to bear aggravation. Things are bad enough indeed as they are; yet I must urge doubts as to things being so bad as represented by some persons. My hon. friend hath heralded the volume of that evidence which he hath adduced in support of his cause. I would overleap the ordinary

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bounds of implicit belief on any controvertible point at issue, in compliment to persons who are thus honoured with his confidence. But I must confess, that my value of human testimony doth not go so far as to admit the plea of truth to contradictions in fact, or to inconsistencies in inference. When I find in a concurrence of oral testimony in the first volume of evidence, that the coasts of Africa where the slave trade is carried on, are very populous, I cannot admit the practice of breaking up villages, going forth in bodies for plunder, or even private kidnapping to be general among the inhabitants, though too frequent instances of such lawless rapine are in proof, as wretched effects of the slave trade. When I am told that crimes are falsely imputed for the purpose of procuring slaves, I admit the allegation to a certain extent; but when it is farther intimated that such means of providing the trade are general or systematic, I cannot admit it to such extent. Witchcraft and adultery have been represented in this point of view, but governor Wenves and Mr. Fountain tell you, that the secret of witchcraft is the secret of poisoning, a crime surely of the deepest dye. This evidence is corroborated by the practice of combining the whole family in the offence, who may be supposed to be possessed of that secret; and the terror of society, where such secret is supposed to exist, is clear and obvious from the evidence that in case of a person being sold for witchcraft it is most expressly conditioned, that such slave shall never be relanded in the country. It is not in the nature of things, or of social institution, that a crime, the most dreadful to the society at large, should be sported with, merely as a means of trade to that society. Again in the 4th volume of evidence, we find the supposition, and very words "that adultery is made a crime, on purpose to procure slaves." On this subject I revert to the jealousies of women, originating in the very principles of society, nay of nature itself, and which invariably and more especially characterize the manners of all nations in the known world, where polygamy is the practice whether on the banks of the Ganges, the Nile, or the Gambia. When I am informed of the bolts and bars, and the cruel precaution, which incapacitates each guardian of fidelity in the haram or zenana, from violating the trust reposed, I cannot admit, that, in a country where polygamy is in usage, adultery is made a crime, merely for the purpose of procuring slaves. I cannot, under fair deduction, admit that a wife is often dressed out for prostitution, in order to procure the husband a title to sell the adulterer. The case is an exception to the rule: if the statement is any ways general, it is inconsistent with human feelings, and above all, incompatible with the principles of polygamy. Admiral Edwards tells you, that "he saw the heads of six women who had committed adultery, cut off, and exposed together on a drum." Such severity belongs truly to the system of polygamy. The general practice of polygamy hath a result, in application to the slave trade, which, were I to indulge myself in the speculation, would draw me farther than might suit the time and convenience of debate. In remarking that practice as co-operating to form, or to sustain a trade of slaves, I should state such traffic for numbers, who, outcast, from the common solace of our nature, and the best unions of society, cannot be regarded otherwise than as inimical to that society, as one course of removing such dangerous supernumeraries from the community, to which another course, of more destructive kind, might be substitute, if the sale of people was or could be hastily done way. Probably such substitute would be massacred, I am warranted in this supposition, by the evidence to the numbers of those slain at the funerals of great men, and at the annual feasts of watering the graves of their ancestors with the blood of human victims. Captain Littleton, who was eleven years in Africa, and 900 miles up the country, gives reason to apprehend a sanguinary result of abolishing the slave trade, when he mentions the occasional famines in the interior country, from the droughts, and from the horrid devastations by locusts; when the people, from very necessity become cannibals, or sell their supernumeraries, who aggravate the famine, and must otherwise starve, or be put to death.

Sir, my hon. friend hath stated a full third of those sold to the slave ships to be children; and then asked, as in just triumph of argument, "Have these committed crimes? Have these been the fair objects of captivity in war?" What are the fair objects of captivity in war, among savage nations, I know not: but I know that women and children are not unfrequently included in the depredations and

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massacres of savage nations engaged in war. The alternative of captivity may be the lot of women and children of the enemy, surprised and defeated in the interior parts of Africa. Sir, I hold in my hand a book, supplying grounds of fact, which, by analogy of reasoning, we may presume for Africa; and we then should regard the spirit of avarice which directs the sale of the woman and child, as substitute to the phrenzy of revenge, which might doom the infant to agonize on the spear, even before the mother's eyes. The book that I allude to, is Umfreville's "Present State of Hudson's Bay," in which is introduced a narrative of Mr. Hearne, who, in 1771, made an expedition to the Copper-mine River. In the course of this expedition, he joined a party of Indians, then at war with the Esquimaux, and who attacked a kind of village, "certainly not to procure slaves," says Mr. Hearne, "men, women, and children ran out of the huts stark naked; but they soon fell a sacrifice to Indian fury. The shrieks and groans of the expiring were truly horrible: and it was much increased by the sight of a young girl, about 18 years old, whom they killed so nigh to me, that when the first spear was struck into her she fell, and twisted herself about my legs; when I begged her life, the fellows made no reply, till two had their spears through her, and fixed into the ground. They then looked me sternly in the face, and began to upbraid me, asking if I wanted an Esquimaux wife? At the same time paying no regard to the shrieks of the poor girl, who was then twining about the spears like an eel." Fear of such like, or other sanguinary alternatives, is founded, however, on the supposition of an abolition of the trade for slaves; and such is not my apprehension. It is the contrary.

I have stated facts in proof, that the nations in Europe are actually making new and extraordinary exertions, even to extend their trade; therein availing themselves of what may be derelict by Great Britain. What I have since stated, I mean not in excuse for the traffic, on moral consideration: but the slave trade hath sins enough on its head, without having farther to answer for than belongs to it. It is not my business, but as truth requires of me, even to palliate one evil resulting from this trade. For my own purpose and case, I should fully admit and retort in argument all the evidence, nay, all the tales, if tales there are, of domestic disunion, of every the best tie of nature and of society, dissolved under incentives to vicious propensities, which Europeans may hold out to the Africans, for selling one another. I beg to avail myself of all that hath been brought forward by the hon. gentleman: my opponent's case cannot be made too strong for my own just purpose in argument. When I cursorily adverted to certain details collaterally affecting the evidence thereon, my direct purpose was to show that the actual scene of misery in Africa, horrid and distressful as it is, is not so much so, as to be incapable of aggravation. This is an essential part of my case. A surcharge of wretchedness and of depravity, as resulting from the measure proposed, is what I augur, and what I deprecate. The consequence of abolition of the slave trade by Great Britain only, I have altogether inferred on premises not to be shaken; on premises of fact. The French, the Spaniards, the Danes, the Americans, the Dutch, would usurp our place, and give the trade new spur and force. To what actual extent the market for slaves might then be pushed, and the miseries and cruelties dependant on the market, the vast islands and continental settlements, as yet poorly cultivated and thinly peopled, belonging to the powers in question, leave us no room to surmise, and much less to exaggerate. A right hon. gentleman of leading ability hath said, on a former debate, in application to this argument, "is it an excuse for committing a robbery on Hounslow Heath, to say that another would commit it, and with the aggravated circumstances of murder too if you did not?" This is a mere begging of the question. A trade for slaves doth not in itself or necessarily imply robbery or rapine. Not many years passed, Great Britain sold her convicts (indirectly at least) to slavery. But for the trade in itself I am no advocate. It rests on principles repugnant to the temper of my mind. I would that it had never begun; I wish that it may soon terminate, but the means proposed are not merely inadequate to, they are preclusive of, such effect. Having shown that other states are ready to supersede us, where are then the improved manners, and industry of the Africans, and where the new culture and manufactures of Africa? I here at once sweep from your table, and reject from all consideration in this debate, the

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whole mass of evidence, or of opinions rather than evidence, contained in the report of privy council, or in other documents before the House, relative to the promised substitute of commerce, which was to be derived from the improved agriculture, manufactures, and civilization of Africa, and indemnify our merchants and ship owners for suppression of the traffic in question. These were assumed to arise on the suppression of the slave trade; but the slave trade cannot be suppressed by a partial derelict, and the grounds are lost on which these great resources were to be sought out.

A right hon. gentleman (Mr. Burke), whose extraordinary genius and acquirements have been, and will be, to the remotest times, the subject of delight and of improvement to every ingenious and intelligent mind; he, Sir, with a discernment immediate as comprehensive, stated on the first agitation of this business, "that in adopting the measure proposed we must prepare to pay the price of our virtue."* I am ready to pay my share of this, or any price; but the object of purchase must be ascertained. Is it the happiness, or is it the wretchedness of thousands? We must not be allured from our duty by mere names; if in assumed benevolence we estimate not the effect, it is not benevolence, it is dissipation. Some high minded and ambitious spirits, who, towering above the sympathies and feelings of ordinary men, talk of principles in the abstract, or if they condescend to an application of those principles, yet as if all was to bow to their own pride of mind, measure out their own materials, their own frame of men and circumstances to work upon—these men talk, for I have heard them talk, a language specious perhaps to some, but which I fairly confess my incapacity to understand. By humanity being the principle as applied to this question, I should suppose humane treatment, and consequences of more goodness and more happiness, to be the object. "No," say these wonderful orators, "a traffic in human flesh is not a moment to be borne with; let it be carried on by whom it will; let it be aggravated by all the miseries incident to a contraband trade of life, and fever under the torrid zone; let the consequences of Great Britain suppressing suddenly her share of it be what they will; the national honour, glory, and character require that suppression; the consequences are not at our door." My answer is short: my conscience tells me that the consequences are at our door. The prior declaration may suit the statesman, who, dealing with brother statesmen, is accustomed to rest his all on a plausible manifesto of cause, but the moralist, who in the humbler path of life, meditates on "peace and good will towards man," will venture to call such statesman responsible for consequences. For one, I would not too hastily or crudely, even with regard to the Africans, forego my right to interfere as a British senator, in regulating this trade to alleviation of its present evils and ultimately to attainment of all the advantages which the most sanguine friend of freedom and of man can promise or devise. Mean time I would not forego my right to interpose regulations, respecting objects of sale in Africa, respecting demurrage on its coasts, respecting the transport to the West Indies, or the settlement of the slave on the plantations. We on our side may do much, but I fear not to assert, that the British trade to Africa for slaves will principally be abolished in, and from, the West Indies. Mean time, it is competent and proper to us so to provide for that event, as to obviate the paroxysm of calamity and distress which a more sudden and declaratory act by the mother country would occasion both in Africa and in our proper colonies.

In regard to our colonies, a sudden abolition of the trade for African negroes would yet farther defeat its purpose of humanity held out to us, and produce the most unequivocal oppression and misery of the slaves in the islands. The hon. mover must observe, that I ever industriously seek to meet him on his most favourite premises. Far from crowding philanthropy out of sight by details of political expediency, I studiously bring it to view. Proceeding to that part of the subject which comprises the relative situation of those in our colonies, whether masters or slaves, as dependant on the result of this question, I must solicit more particularly your attention; I must beg the House well and warily to consider the proposal suggested of great and sudden innovation on our colonial and commercial system, reverting in such their consideration to principles of policy ordi-

* See Vol. XXVIII. p. 70.

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narily accepted in all times and in all countries, under good and wise government. Let us observe how such sudden divulsion of interests as hath been suggested shocks every just sense of action derived from experience and observation. Let us, as men, hesitate to use that rigid discipline even on the passions and prejudices of men, which is suited rather to exasperate than to amend: let us prefer the leading our colonists and others in the way we deem right, instead of rudely forcing them from the way we deem wrong. Thus we shall act on principles of reform suited to a free government; and above all such temperate procedure is most indispensable, if government hath at any time regulated, protected, nay, even instituted and rewarded the very course of adventure to its subjects, which it means thereafter to reprobate and set aside. When, in such case charters of corporate bodies, and positive laws of the land, under which property hath been engaged and secured, are to be annulled, it is but fitting to require that the act should not be marked with violence, but rather be palliated by precautions, and preparatory experiment of tendency, to show that nothing but extreme necessity, if that necessity is found to exist, will induce the intervention of a direct act of legislature, in change of its ancient, its own system. If deeds are to be cancelled and laws repealed, under which all in our colonies, and many in Great Britain, have embarked their very means of subsistence, is it too much to ask, that such deeds should be cancelled at least with form and solemnity; with something like kindness and concern; protracting all act of power on the part of the mother country, till urged by the refractory disposition of the colonies, in providing for the change of measures required; not rudely tearing the papers by which their properties are held, and thus adding wantonness to insult, insult to ruin. And now I would ask, if a single instance of such refractory disposition hath appeared in the colonies, as warrants the British parliament to suppose, that the several legislatures are not acting, temperately, wisely, and humanely, to attain the object pointed out to them, and making the fairest experiment in proof of the hon. gentleman's assertion, that a natural increase of negroes in the West-Indian islands may be effected by an ameliorated system of legislation: and that in the result a trade to Africa for slaves will be no longer necessary? If you interrupt the colonies in their temperate procedure by crudely and widely attempting an anticipation of the end they have now in view, they will never attain that end. Their humane policy will cease to be practical, if not supported for a time by that African trade which may supply them with women and young people.

I shall show, on testimony not to be controverted, that a direct abolition of the trade must tend to distress. No language hath been omitted which may tend to degrade; and distress and degradation must tend to alienate those in our colonies, who may be found indispensable to the framing any feasible plan for the benefit of the slaves, and who must be the instruments to give it force and effect. Ruin, ignominy, and disaffection, afford premises but ill suited to schemes of improvement in agriculture, of amendment in morals, or of co-operation in reform. I am not so ignorant of the principles of a free government, as now for the first time to be taught, that "allegiance and protection are relative terms." Having assumed distress and ruin in the colonies, as the probable result of present abolition I will bring forward, not an imaginary, not a distant case, but the most fair inference on facts and statements to be found specially in the minutes of evidence before the House. The actual state of the negroes in the colonies, their proportions as to sex, to young and old, and to the stages of succession in life: in their morals, their manners, and much else in their usage, as well as habits, inimical to increase of the species, afford grounds for asserting that the negroes neither do nor can multiply by natural means, circumstanced as they are at the present hour: adventitious means, for a time to come, are necessary to supply those connections in society, which may give fair promise of increase at a future period, by the ordinary course of births. Such temporary supplies, co-operating with the present attention of our colonial legislatures to the instruction, and to the more secure and more happy situation of the slaves, may I doubt not, produce such effect. But such future effect is dependant on present supplies, and for a period to come. That the negroes on the plantations do not at present generally increase by births, was a fact admitted in the 10th and 11th of the original resolutions brought forward by

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my hon. friend. He advanced, indeed, that the annual excess of deaths above births, diminished successively in each period to the year 1787, in Barbadoes and Jamaica. In the very able speech of Mr. Bryan Edwards. delivered at a conference of the house of assembly and of the council at Jamaica, the very grounds of the above calculation have been proved to be delusive; the number of negroes being at one period taken from the tax rolls, and then a comparison drawn at another period, not from the numbers taken from the tax rolls, but from the estimate, the mere guess of a governor or others; in those distinct grounds, no relation of case or criterion can be assumed. Mr. George Hibbert in the second volume of evidence states, on investigation made with care, and apparently accurate, that the decrease in Jamaica is of $2\frac{1}{2}$ per cent., that is, of $1\frac{1}{2}$ more than is stated in the above resolutions: and it is very remarkable, that Mr. Hibbert shows the decrease to be greater in the latter, than in a former period of nineteen years. If this circumstance is attributed to hurricanes and to epidemic disease, in answer, I must state my apprehensions, that hurricanes and epidemic disease are sufficiently frequent in the West Indies to warrant their making part of a general estimate. But even admitting the position advanced in the resolutions to its fullest extent, it doth not presume an excess of births above deaths on the general average, and it cannot escape notice, that the instances brought forward in exception, of particular estates having a regular increase of negroes by births affect that general average, and afford an inference of further decrease on the remainder,—that is on the greater total of estates. If, for instance, an annual loss of four is said to fall on the number of twenty; and in a distinct five of that twenty we find that one again supplied, then the loss of four bears in fact on the remaining fifteen and is to be so estimated. A similar inference occurs, on consideration of the disproportion of sexes: when particular estates are instanced as having an equal or greater number of females than males, then the disproportion of sexes stated in the total bears heavier on the remainder from the very circumstance of the cases in exception mentioned. One matter of notoriety is, that the numerous white servants and others ordinarily sent forth from the mother country in the state of apprenticeship, carry out no help mate of their own colour, and as certainly take to themselves a help mate of any colour they can find; in calculating the proportion of sexes, we should take overseers and other Europeans into consideration; for they appropriate a considerable number of negro females; and we may venture to say, they appropriate those who might otherwise become prolific wives to the negro-men, and increase the numbers on the plantations. The inference to be drawn from these statements is, that the negroes in our colonies do and must decrease, until the measures dictated by benevolence and policy shall have had time to operate; and that mean while, supplies of slaves from Africa should be allowed in aid of such good and wise reform in the government and regulation of those actually on the plantations. If the planters, being without debts, and without engagements, were free to make a surrender of half the income of their estates, and to let every other consideration give way to the sole object of encouraging the procreation and the rearing of infant negroes;—if the planters could direct their own views and command their own time, in the making an experiment at their own loss and hazard of from how small a stock, and under how many disadvantages, mankind may yet increase and multiply;—if no deeds of mortgage, no contracts of consignment, controlled and directed their superintendance to other considerations;—if, in a word, the planter was not generally the slave of the British creditor, he might do much for increase of the slaves he calls his own, and in many instances, circumstanced even as his slaves are might attain in a number of years, the object he has in view, without importations from Africa. But whilst twenty millions of debt press on the proprietary of the West Indies, whilst a full third of the property in the islands, that is, of seventy millions, is engaged by mortgage to the merchants and others in the mother country; how can the planter, speaking generally, remit labour and industry on those grounds, where his own is but a residue, and where so great demands are previously to be satisfied, and ere he can claim a mere subsistence for himself? Under such circumstances, the slave trade being suppressed, and his negroes decreasing the first year, in the smallest per-centage, that decrease must become progressive, and accelerate from year to year: for, as his numbers become

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less, his labour becomes more, from time to time falling heavier on the negroes who remain. How cruelly the measure of suppressing at once the trade for slaves from Africa, might operate in relation to the slaves actually on the plantations of the West Indies, is not readily to be conceived in all its extent of misery,—or not to be conceived without horror. I could give colour to these fatal consequences, from the evidence of Mr. Francklyn, sir Ashton Byam, Mr. Baillie, Mr. Gregg, Mr. Douglas, and Dr. Athill. As to the general effects of cutting off all supplies of new negroes, they are described in the petition from Demerary and Essequibo, in terms so plain and true,—that he who runs may read.—I cannot quit the subject of too much labour, and too few labourers, without one farther reference to the evidence of Mr. Ottley, chief justice in St. Vincent's. It is but giving just and due weight to the testimony of that gentleman, when I usher it in, by declaring the pleasure I take in saying, on my intimate knowledge of him, from youth upwards, that the best feelings have ever constituted him a common friend of mankind, without distinction of colour or condition; and that natural and acquired powers of mind have fitted him to execute as to conceive, what is for the benefit of all around him. This short digression will be excused, when I state, that it is made in justice to one who anticipated the views of British benevolence, and was framing colonial acts for the security, comfort, and happiness of the slaves in St. Vincent's, before our first regulatory bill was even opened in this country, or the slave trade in any way made a question in this House. Mr. Ottley hath given you the clearest statement of the result to the negroes on the plantations, derivative from a sudden suppression of the trade to Africa for slaves. Page 167, of the last volume of evidence, he says, "that estates in the West Indies, in general, are deeply mortgaged; that in many instances, where there is such incumbrance and weight of debt, the greatest exertion of labour, and worst supply of food, are the consequences; that on such estates so circumstanced as to be defective in their natural increase, the proprietors who are obliged to answer the pressing demands of their creditors, would, he feared, in many instances, be induced to work their gangs beyond their strength; and that a sudden unqualified abolition of the trade for slaves to Africa, would thus eventually prove oppressive to many slaves in the West Indies." Sir, all these consequences of surcharge of labour, and of the wretchedness of the slave keeping pace with the ruin of his owner, are obvious. But do the misery and mischief end here, even in regard to the slave? No Sir; merchants of the first eminence tell you, "that, in case of the slave trade being abolished, the merchants, mortgages, and others, must withdraw their indulgence hitherto granted to debtors, and foreclose." Look to the evidence of Messrs. Baillie, Rucker, Hankey, and Hibbert. The effect of the creditor pressing on the planter, will be fatal to the slave in a yet farther point of view. You are told by the chief justiceof St. Vincent's, "that slaves are liable to seizure for debts, in default of other goods and chattels; and that in a sale of slaves, under such circumstances, there is no provision to guard against the separation of families excepting in relation to the mother and infant child." Doth not such separation constitute a principal share of that very extreme of outrage on the rights and feelings of human creatures, which the hon. gentleman so strongly deprecates in Africa? Why institute new causes of such separation in the West Indies? The hon. gentleman deprecates the temporary confinement in a slave ship; why give farther occasion to confinement in a West Indian prison; where, under a distrain for debt of the master, the poor slave may linger for double, or treble the time of a middle passage? But even these horrors apart, is it nothing to excite a general system of process and sales by the provost marshal which must at least tear the poor creole slave from his old habitation? The Rev. Mr. Davies says, "There have been instances of slaves pining away, removed from their habitations, and old spots of ground," but the separation, too, is from his wife, from his child.

Sir, I have said enough of the consequences of the abolition of the slave trade, so far as it may operate on the situation of the slave in Africa, or of the slave in the West Indies. I have shown that the cause of humanity is no gainer by such precipitate undertaking. What loss may result from the measure it is not easy to estimate, taking into consideration the many and intricate dependencies on the question, adverting to commerce, navigation, and revenue. The African trade

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which we are called upon to surrender, is, in its connexions at least, a matter of the greatest concern. As to the traffic for slaves in itself, I declare most explicitly that I cannot be its advocate, on any one question even of national expediency; but as a resource, I hope and trust a temporary resource, to our West Indian colonies, it derives from its connexion with them an importance touching the very existence of the British empire. Should the motion of this night be adopted, I presume not to measure the extent of ruin in the islands, and decay in their commerce as dependant for a time on that with Africa. How little in such case the West Indian commerce might become, I dread to think of! how great that commerce actually is, I will show briefly and in part only. To follow it through all its various channels, and to the extent of its course, would require more time, even in the mere statement of articles and items, than this debate would admit of. In the year 1787 the value of exports from Great Britain to the British West Indian islands were British manufactures 1,441,048*l.*: East Indian goods 23,570*l.*; foreign goods 174,084*l.*: total 1,638,702*l.* There were employed in the above export trade 527 ships of which the aggregate tonnage was 124,454 tons. In the same year, the imports from the British West Indies were taken at a very low valuation 3,749,447*l.* The excise and customs paid on which were 1,614,689*l.* These imports were freighted in 573 ships, of which the aggregate tonnage amounted to 131,934 tons, which is considerably above one eighth of the whole commercial tonnage of these kingdoms estimated in 1789 at 1,054,000 tons. This is what you are requested to endanger at least by vote for immediate abolition, a vote which must heap new calamity on the heads of the slaves, whom alone it professes to serve.

I have spoken to distress and ruin in the colonies, as operating gradually: but may not the effect of the measure proposed be more sudden—a paroxysm, a convulsion of wretchedness and desperation? I will not prophesy details of insurrection and of revolt. We all know that such consequences are within the estimate of disaffection resulting from oppression, whether of the slave over worked by the British planter, or of the British planter, deprived by arbitrary and contemptuous authority at once of his fortunes and of his honour. It seems to have been contended, almost with equal earnestness and zeal, to place the slaves in their due rank of men, and to dispossess their masters of the very characters of men. Perhaps an experiment in actual proof of the latter proposition, may not be an experiment either very profitable, or very safe.

Having trespassed so much on your time, I should forego all animadversion on topics apparently irrelevant to the question before you; yet there is one subject, which I feel myself especially called upon to mention, if not to discuss. Sir, the colonists have, in the course of this business, been no ways spared; their fortunes, their characters, have been equally and cruelly sported with. A hasty admission of all sorts of tales from all sorts of men; an over curious investigation of facts, too atrocious and too singular to serve as lessons for reform, though, well calculated as topics for reproach; and a responsive zeal in the witnesses, so very intemperate as occasionally to disregard even consistency in allegations, characterize many parts of the evidence relating to negroes in the islands. Some of the persons who have been brought forward to speak of the conduct of masters towards their slaves, begin with strong assertions of general cruelty and ill treatment; then examinant asks, "Can you mention any instance?" "Yes," says the ready witness, "I can." He then tells his dreadful story, and that story, with all its exaggerations, perhaps stated too on mere hearsay, is confounded with the prior general assertion: if such procedure hath the inference in view, which it seems to have, it constitutes, on proper logical analysis, a mere calumny, aggravated by fallacy and disingenuousness, in so arranging the terms of the proposition, as to insinuate a generality from an instance; a rule of conduct from an exception. Such critical investigation is not however always requisite, in order to ground the censure which I presume to pass on parts of the evidence. When I I am told of the combined precautions, and cruelties of punishment inflicted on women in an advanced state of pregnancy, the tale is a calumny on the face of it, contradictory in itself, and repugnant to human nature, and to every principle of human actions. Yet this tale is more than once introduced into what is termed, evidence of the conduct of British planters, of British gentlemen, and their British servants, in the liberal, the enlightened

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æra of 1791! I will not condescend farther to combat particular cases and instances. The self-contradictions and inconsistencies of some of the witnesses are such, as outdo all the views of a cross examination, and betray the parties most completely into the hands of those who may think them of consequence enough to engage their attention; but I must advert to that part of the evidence where the questions are directed to an invidious comparison, looking to a degradation of the humanity of a British planter, below that of a Frenchman, a Spaniard, an American, or a Dutchman, in similar relations of master to the slave. One of our best comic writers discriminated better the pretensions of our people, when wishing to show benevolence in its genuine and fairest colours, he personified it in the character and conduct of "The West Indian." In thus reprobating the matter and the manner too of much that hath been said in allegation before your committees, I by no means assert, that many good and intelligent men have not given just and candid accounts of the treatment and condition of slaves. Of all such evidence I should avail myself whenever a regulatory system is introduced; for I would wish such system pursued in the West Indies, till not one slave is left dependant on the relative character of the master, but be at least as secure, I would say more secure, than an apprentice in this country. The colonial legislatures have already gone far in such system respecting their own immediate province. In Africa, and on the seas, our part in the business is scarcely begun. In the mean time, it is requisite that the intentions of the British parliament should not be misunderstood. It is necessary that the alarms which have arisen, in consequence of an immediate suppression of the slave trade being in agitation, should be quieted, and that great question closed. This the credits and connexions of the monied and landed interest in the West Indies require; as likewise the temper of the negroes, and general peace of the colonies. Moreover the system of regulation, and gradual and proper attainment of the great ends of justice and policy in view, require that our attention should not be drawn away, to a measure idly and vainly professing to anticipate, and render unnecessary the objects of that attention. Under these impressions, I heard with satisfaction, that the motion was such as to put us at issue on the question, "That there should be an Immediate and unqualified Abolition of the Slave Trade, on the part of Great Britain and her colonies." That question has my decided negative.

Sir, before I sit down, I must appeal to the powerful advocates for my hon. friend's motion, and who may assume a share in this night's debate, for temperate and fair construction of the part which myself and others may take with me, on the present occasion. I will not repeat hasty expressions, thrown out at the close of yesterday's debate; but if resumed, I would suggest to those who may resume such language, that not unaccustomed to speculation on the human mind, and on human actions, I must augur ill to the success of a cause, the principle of which being "good will towards man," is sustained by advocates, who treat the opinions and conduct of those in opposition to them, neither with moderation, as men, nor with charity, as Christians. Sir, I return my thanks to the committee, for their patience and attention to that, which I have thought it indispensable in me, circumstanced and connected as I am, to offer to their consideration. I shall sit down in full confidence, that the event of this night will show, that the good sense and true benevolence of a British House of Commons are not to be fascinated by eloquence, or drawn aside by any influence, when the road to the true interests and welfare of their country and of mankind is before them, and clear, and direct: it leads to a rejection of the present motion.

Mr. *M. Montagu* gave the most unqualified support to the motion made by his hon. friend, and pledged himself, if the motion should be rejected, to renew it at some future time, protesting, that while he had life, and power to use whatever abilities fell to his lot, he would exert himself to the utmost to obtain an object so desirable to every lover of justice, and friend to mankind.

Lord *John Russell* admitted, that the ideas attached to slavery were repugnant to our feelings, yet conceived that all the advantages which were supposed to result from the present motion, would prove visionary and delusive. It was only a feeble attempt, without the power, to serve the cause of humanity. We might relinquish the trade; but the consequence would be that it would be taken up by

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other nations. The trade might admit of many regulations; and whenever a bill of regulation should be introduced, no man would be more ready than himself to lend it his support. In this way, the rights of human nature might be asserted, without injuring one individual, or the commerce of a whole kingdom. He hoped he should not incur very severe censure for what he had said, as he was not sensible of having a hard heart, let his understanding be what it might. His heart, he hoped, was as free and as accessible, as the rights of justice and the cause of humanity required.

Mr. *John Stanley* (agent for Nevis) spoke strongly against the abolition of the slave trade, as oppressive and unjust upon a great body of planters and merchants, and as injuring them without a prospect of recompense, from ideas of inhumanity to the negroes, which were ill-founded. Thirty years experience of their situation, and that of the planters and others connected with the trade, gave him some right to believe that he knew the true state of the case as well as most people. Of the evidence some parts were true, some fallacious, and some much exaggerated. He hoped therefore, that gentlemen would not lay such implicit stress upon it, as friends to the abolition wished them to do. Many respectable names had been introduced, and their opinions quoted as authorities; amongst others, he would mention admiral Barrington's, which avowed the necessity for discipline among the negroes, such as was practised by the best and wisest planters, else it would be impossible to keep them in any kind of subjection or order. He might be answered, that naval men were accustomed to see harsh treatment, and lashing of men, and therefore were little disconcerted by it; but would this be a fair or liberal way of treating such authority as he had mentioned? He likewise read, as an authority that slavery was not incompatible with christianity and religion, the opinions of the bishop of Gloucester, St. Paul, and several other saints, in their writings, made mention of bondsmen, without adducing any arguments against the commerce in slaves. If slavery was abolished, the negroes would suppose themselves on a footing with their masters, and then an end would be put to all order, management, and safety. If the measure was carried into execution, he thought we might as well give up our colonies and islands entirely at the same moment. The insurrections in Dominica, he was well informed, had originated from the discussion of this question in England, which was sent from France to the slaves in Martinique, and from thence communicated to those of Dominica.—It was certainly the interest of the planters to increase the population of negroes, and if humanity did not dictate to them to treat them properly, their interest would; for it was well known, that one of those who were called seasoned negroes were worth at least two African slaves, many of whom died before they were seasoned. He knew a great many planters, and believed, in general, that they all treated their slaves very properly. With regard to the horrid instances of miserable wretches being seen in the situations described by some of the evidences, from the cruelty of their masters, these instances he imagined, had been collected by those who were not much acquainted with the country, and had only been in towns where they might have seen, perhaps examples of the enormities committed by some monstrous rascals who had been their masters, but these instances were not common. He wished some salutary regulations could be thought of, and if any member brought them forward, the planters would give him every assistance in their power; but he never could agree to a total abolition. He then described the situation of Antigua, Nevis, and St. Christopher's with much local exactness, and insisted upon the necessity of slavery in these islands. The abolition he contended, would be injurious to the maritime trade of the kingdom, which ought to be particularly attended to; for according to the opinion of Mr. Locke, that trade was always conducive to the interest of a kingdom which employed the greatest number of vessels. That the abolition would occasion a decrease in the number of ships employed, was a truth which he believed no one would attempt to deny. It was contended, that the idea of a dereliction of the trade had originated in motives of humanity. For his own part, he had always an objection to exercising humanity at the expense of others. He asserted that the motion would tend to the emancipation of the negroes in the West Indies, because, when they found that no more were to be suffered to be carried thither from Africa, they would say, of course, "Then we shall be worked harder

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for it." He concluded by setting forth the hardships which those persons would suffer who had purchased land in the West Indies, particularly crown lands, within these few years, and hoped that while gentlemen professed so much humanity for slaves, they would be just to their own countrymen.

Mr. *William Smith* said, that it was not his intention to have taken the least notice of the argument attempted to be drawn from Scripture, in support of the slave trade, because, although he had seen it urged in some pamphlets, it had always appeared to him so extremely absurd and superficial, as to be totally undeserving of any reply. He thought it adapted merely *ad captandum vulgus;* to impose on those who never took the trouble of thinking; and he had imagined, that gentlemen would have paid more respect to the discernment of the committee than to have brought it forward there. Nor, though the hon. gentleman who spoke last had adverted to it, could he suppose, for a moment, that the good sense of the House could be misled by a few perverted or misapplied passages of scripture, in direct opposition to the whole tenor and spirit of christianity; to the theory, he might say, of almost every religion which had ever appeared in the world. Whatever might be ingeniously advanced in debate, every man must feel, that the slave trade could not exist an hour, if that excellent maxim, which lies at the very basis of christian morality, "To do unto others as we would that others should do unto us," had its proper influence on the conduct of men.—The hon. gentleman had equally surprised him, by another of the arguments on which he had appeared to rely, the weakness of which was equally apparent—the antiquity and universality of slavery. It was impossible not to see, that from the mere existence of any practice, not even a presumption could be formed in favour of its justice or propriety. By this argument, if indeed it deserved the appellation, every vice and crime might be defended, which had disgraced mankind, from the days of Cain the first murderer, to the present times. The slaves of antiquity, however, even under all the hardships they suffered, were in a situation far preferable to that of negroes in the West Indies. The state of slavery then was not so degrading as that in which the wretched Africans are held in these modern times; and a word "paterfamilias," used by an hon. gentleman had reminded him of a passage which exemplified this, in the strongest manner; "Domini," says Macrobius, "à majoribus nostris, Patresfamilias, servi familiares appellati sunt; quòd vellent, iis vocibus, à domino omnem invidiam, à servo omnem contumeliam, detrahere." "Our ancestors denominated the master father of the family, and the slave, domestic: with the intention of removing all odium from the condition of the master, and all contempt from that of the servant." Could this language be applied to the present state of West-Indian slavery?

It had been complained of, by many gentlemen who espoused the opposite side of the question, that, in supporting their cause, they laboured under very great disadvantages; and among others, that they had to contend against the most splendid abilities of which the nation could boast. Though he was as little disposed as any man to depreciate those admirable talents, on both sides of the House, which were so honourably united on this occasion, in favour of justice and humanity, yet he knew, that among his antagonists also were men of great abilities, which, he doubted not, would be exerted to the utmost in defence of the opinions they had adopted. But there was one disadvantage, under which those gentlemen laboured, of great weight indeed, arising from the nature of their cause, and for which no talents could compensate—the impossibility of maintaining their ground fairly, on any of those principles which every man within those walls had been accustomed, from his infancy, to venerate as sacred. He, and his friends, Mr. Smith said, had laid under some disadvantages also: a ridiculous charge of fanaticism had been alleged against them, which he regarded as totally unworthy of any formal reply. It would be more than sufficient to quote, in answer, the words of Mr. Long, the historian of Jamaica, where, addressing himself to those planters who were desirous of attempting improvements in cultivation, he advises them "not to be diverted by partial views, vulgar prejudices, or the ridicule which might spring from weak minds, from a benevolent attention to the public good." Neither by such, nor by any other considerations, would he, or those gentlemen with whom he had the honour to act, ever be diverted from the prosecution of their purpose. They were convinced of

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the rectitude and high importance of their object, and were determined never to desist from the pursuit, till the end should be completely attained.—But they had to struggle with some difficulties far more serious. The West-Indian interest which opposed them, was a collected body, and of great power, arising not merely from extensive mercantile connexions, but also from the respectable characters of many of the individuals, and the high estimation in which they stood with the world. He was happy to be able, from intimate acquaintance, to bear his testimony to the justice of this opinion, in numerous instances; and one of the most fruitful and frequent sources of the hardships and injuries which the slaves endured, was, he doubted not, the absence of such masters, whose inclination would coincide with their interest, to attend to and protect them. Artifice had also been employed, and unfair statements on various points had been used, to impose on the House and the public. The abolition of the slave trade, and the emancipation of the negroes now in the colonies, had been so pertinaciously confounded, that he could not avoid believing that it had been purposely done, with the intent of throwing odium upon this measure; and, with the same view, its supporters had also been unjustly accused of having given birth to the late insurrection in Dominica. A revolt certainly had happened there: but that island was known to be particularly liable to such disorders; nor, if this question had never been agitated, would it have been at all improbable, that, in the course of three or four years, during which period the business had remained under consideration, such an event should have taken place in one or other of the islands. —Other fallacies had also been propagated, in order to enhance the importance of the African and West Indian trades to this country. Of the African trade it had been falsely remarked, that the exports amounted annually to a million sterling; whereas, from the report on the table, it appeared, that at no period had they ever risen to 900,000*l.*, and, on an average, they had amounted to little more than half a million: which included also the articles intended for the purchase of African produce, the return for which was about 140,000*l.* per annum. The East-India trade was also declared very much to depend on the West-Indian and the African trade. The export of East-Indian commodities to the West Indies was trifling; and a principal point in which that trade might be said to be connected with the African, was this; saltpetre, the main ingredient in the manufacture of gunpowder, was largely imported from the East Indies; and of 2,700,000 pounds of gunpowder, which had been exported in a year from this country, one half was sent to Africa alone; for the purposes, doubtless, of maintaining peace and encouraging civilization among its various tribes! Following the same line of argument, 4 or 5,000 persons were reported to depend, for their very existence, on the particular manufacture of guns for Africa; and this branch of the trade was described as totally different from every other. In what the difference consisted, the informant omitted to mention; but that defect was supplied by one of the witnesses, who had repeatedly seen negroes maimed by the bursting of these guns, and who had been told by them, that they killed more from the butt than from the muzzle. Another witness had stated, that on the sea coast the natives are afraid to fire a trade gun.—In the West-Indian commerce, 240,000 tons of shipping, and 21,000 seamen, were stated to be employed; but here again deception intruded itself. This account was not, as gentlemen might imagine, that of the ships engaged in the intercourse between Great Britain and her colonies only; but it included every vessel, small and great, which went from the British West Indies to the continent of America, and to the foreign islands; and included, too, all the repeated voyages of each throughout the year. The actual quantity of shipping occupied in the West-Indian trade, both from Great Britain and Ireland, little exceeded half that which had been asserted, nor did the number of sailors, supported by that trade alone, amount to 10,000.—In a similar manner, had the islands themselves been overated. While, from official documents, their value had been computed, for the information of his majesty and the privy council at 36 millions, the planters had thought proper almost to double the sum, and estimate them at 70. The truth however might possibly lie between these extremes.

He would next proceed to take notice of various opinions and assertions, which had fallen from different gentlemen in the course of the debate. The hon. member for Liverpool (col. Tarleton) had enlarged on the iniquity of depriving the

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traders of Liverpool of a business, "on which were founded their honour and their fortunes." On what part of it they founded their honour, it was impossible to conjecture; but of this he was confident, that no West Indian gentleman in that committee would rise to defend the honour of the African trade. Among many other circumstances, equally honourable, it had appeared in evidence, that the agents employed in carrying on this business, had systematically practised every fraud and villany, which the meanest and most unprincipled cunning could suggest, to impose on ignorance; and yet, with unparalleled assurance were the Africans accused of treachery and deceit, shame on them, with such brilliant examples of integrity before their eyes!—If there were any circumstances in the course of this proceeding, which he had peculiarly regretted, it was, that the evidence had not been taken on oath. Numberless facts had been related by eye-witnesses, called in support of the abolition, so dreadfully atrocious, that the very magnitude of the crimes rendered them incredible to persons acquainted only with such a state of society as exists in this country; they seemed rather, to use the expression of Ossian, like "the histories of the days of other times." This procured for the trade to which they owed their own birth, a species of acquittal which it could not have obtained, had the committee been authorized to have removed all objection to the validity of their testimony, by the sanction of an oath. He apprehended also, that it would have had the farther advantage of making some persons rather more guarded in the testimony they had given. Captain Knox might not then, perhaps, have told the committee, that 600 slaves could have comfortable room at night, in his vessel of about 140 tons; when, by a calculation given in by another of their own witnesses, and strained to the very utmost towards the same point, it appeared, that such a vessel could afford no more than five feet six inches in length, and fifteen inches in breadth, to 418 only, or about two thirds of his number! nor, perhaps, would he have maintained that, in another ship of 120 tons, he had carried 130 tons of water only, besides 500 persons, with sufficient provisions and stores, &c. for them all. The thing was impossible; the most informed knew it was not true, and the most ignorant could not swallow it.

The next point on which he should observe, and had been much insisted on was, the importance of the slave trade, as a nursery for seamen. In full confirmation of every word which had been asserted on this head, by the advocates of abolition, and to the confusion of those who had contradicted them, it had appeared, by the muster-rolls of the slave vessels, brought from Liverpool, that considerably more than one-fifth part of the men employed in them actually died in the service, amounting to several hundreds annually, exclusive of many who were discharged and perished in the West Indies: and yet the hon. colonel had been instructed by his constituents to say, that notwithstanding this vast loss, unheard of, almost impossible, in any branch of legitimate commerce, it was still a nursery for seamen; for that about 3,000 men annually sailing from England, 1,600, or one half, were landsmen, and therefore, that though 600 or 700 should die, a great number of seamen were continually forming. Not to dwell on the expensive cruelty of forming these seamen, by the yearly destruction of so many hundreds, he was astonished that these gentlemen of Liverpool should have no more respect for their representative, than to expose him to the unpleasant circumstance of having his assertions directly contradicted by the clearest and most undeniable evidence. Not only did it appear by the muster-rolls from Bristol, that the proportion of landsmen little exceeded one-twelfth part, but the proper officers of the port of Liverpool itself, had expressly stated the proportion from thence to be, not half, but one-sixteenth part only! In the face, however, of the most glaring facts, some persons had been sufficiently bold, or uninformed, to say that the mortality in these vessels did not exceed that of other trades in the tropical climates. Another hon. gentleman (Mr. Grosvenor) had remarked that Great Britain had the same right, by natural law, to carry on this trade, that any other nation possessed; that it was impossible to abolish it; and that the committee had better be easy and quiet, for that they were happy. His first position, he did not mean to deny. We undoubtedly possessed a right to the trade equal to that of any other nation; but what that right could be, he was unable to imagine; nor had he been so fortunate as to discover the law on which it was founded in any code or sys-

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tem of natural, or any other law, with which he had ever met. As to impossibility, none certainly existed, of forbidding the farther importation of slaves into our own colonies; and beyond this, the motion did not extend. To the hon. gentleman's last observation, he would reply, that it was not on account of any supposed unhappiness of parliament that it was called on to decide the question. In their individual situations, gentlemen undoubtedly were happy; but did it, therefore, the less behove them to consider the happiness of others? And was the state of Africa happy? Was the situation of the slaves a happy one? The trade was replete with fraud, cruelty, and rapine. Even Mr. Long, before quoted, confessed, "that, in Africa, it was certainly the custom to go to war, for the purpose of making slaves." To deny these charges, had been truly owned by Mr. Edwards, even in the assembly of Jamaica, to be no better than mockery and insult." That it was indeed mockery and insult, he would never cease to repeat in the ears of every one who should attempt to contradict what had been so incontestibly proved: and, for himself, he was ready to declare, that, as an Englishman, he should never be happy, while he considered his country as contributing, by persevering in this traffic, to perpetuate misery, and to encourage the commission of every species of crime. From the concession of his hon. friend, of the already meliorated state of the slaves in other colonies, and his assertion that an increase was actually begun, it had been argued, that immediate abolition would be a violent, and, therefore, an imprudent measure; and that it might effect public credit. But surely nothing could be plainer than that an increase commenced, was the best possible answer to the charge of violence, as it precluded all danger of injury to the islands, unless from their own subsequent misconduct.

In what remained for him to observe, he should proceed with the less satisfaction, as a wide difference of opinion might lead him to treat very lightly the arguments of his hon. friend, who had opened the debate of that day (Sir W. Young) by whom however, he knew he should be acquitted of any personal disrespect. The hon. baronet, with some other gentlemen, acknowledging the object aimed at, to be in itself highly praiseworthy and desirable, had argued against the proposed measure, on the ground of its inefficacy to the attainment of the end; because, that, though we might instantly abandon the trade, it was impossible for us totally to suppress it. Allowing, then, this impossibility of a total and immediate suppression were there no important advantages to be gained by our dereliction of the commerce? Whether we considered our own honour, or the probable efficacy of example, would it be nothing publicly to recognize and establish a great and just principle of conduct, in an affair of such vast moment? In the extermination of every evil, and especially of those which were fortified by the sanction of time and authority, it was necessary that some one should lead the way. Let the British parliament, then, as became the senate of a virtuous and enlightened people, bear its decided testimony against this flagrant iniquity: let it maintain its foremost rank among the nations, by setting a noble example, and he would not affront the House by the supposition, that its conduct would have no influence on the other countries of Europe. But should all feelings of honour, or of generous emulation, in such a cause, fail to operate, he doubted not that France, and Spain, and Holland and Denmark, would soon learn, from our experience, that, by proper management, such as it was no less the duty than the interest of every country to enforce, American colonies could be cultivated without the necessity of continual supplies, equally expensive and disgraceful. Nay, he was perfectly convinced, from a long and careful investigation, that, in most of the islands, it was merely the existence of this supply which prevented the actual increase from being, even now, perceived. The reasoning of the hon. baronet, on the contrary, tended to the perpetuation of the abuse; as universal concurrence in any political measure, however wise, was not to be expected. Every man knew that the custom of selling their prisoners of war into slavery, existed among even the most civilized states of antiquity; and no one was so chimerical as to imagine, that it would ever have ceased, had it been necessary to have waited for its abolition till all nations, in general assembly, had renounced it by mutual consent. But we might do more than merely lay down principles, or propose examples: we might, in fact, diminish the evil itself immediately, by no inconsiderable part—

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the whole of our own supply; for he could not at all agree with the hon. baronet in what seemed to him a commercial paradox, that taking out of an open trade, by far the largest customer, and lessening the consumption of the article, would increase both the competition and the demand, and, of course, all those mischiefs which he allowed to be the uniform consequences. Nor could he admit, in exculpation of this trade, that it ought not to be made answerable for those acts of barbarity with which the wars of savages always were, and ever had been, stained; or that, by its kind interference, many were only doomed to perpetual slavery, who would otherwise be devoted to destruction. He should have considered these cruelties as affording another, and a most powerful motive, for putting a period to a certain and acknowledged cause of these wars, rather than as a reason for suffering the cause to exist, for the sake of an uncertain and disputable alleviation of the evils which it occasioned. That the civilization of the Africans was promoted by their intercourse with the Europeans, as at present conducted, was an idea utterly void of all foundation: as appeared most undeniably from the tenour of the evidence. In dress, in manners, and in dishonesty, they had, indeed assimilated much with those who frequented their coasts; but the greatest degree of industry, and the least corruption of morals, generally prevailed where they were least acquainted with the benefits of this civilizing connection.—To relieve the continent of Africa from the miseries occasioned by famine, was another of the benign reasons for continuing to excite wars and to carry off its inhabitants. That famines had sometimes occurred, he did not doubt; that they were either very frequent or very destructive, the proof was extremely slender indeed; but that they should annually visit those devoted countries, and with such arithmetic exactness as to render necessary a remedy so violent in its execution, but so uniform in its quantity, was a circumstance most extraordinary—so wonderful indeed, that, could it once be proved, he should consider it as a far better argument in favour of the divine approbation of the slave trade, than any which had ever yet been produced.

As to the effect of the abolition in the West Indies, he was convinced, that so far from being ruinous, it would give weight to every humane regulation which had been, or should be, made by substituting a certain and obvious interest, in the place of one depending on chances and calculation. An hon. gentleman had declared that, were the planters but convinced of the possibility of cultivating their estates, without farther importations of negroes, they would be happy to be freed from the expense of purchasing those supplies. This conviction, he believed, might be attained, if their reason alone required it; for, of all the legion of authorities which the hon. gentleman had brought to prove the impossibility for which he contended, there was scarcely one, which might not be pressed to serve more effectually against him. Almost every planter whom he had named, found his negroes increase under the good treatment he professed to have given them. And, in the islands of Barbadoes and Dominica, if, on the one hand, the proper usage of slaves had been proved by the respective governors, it was also at least equally incontrovertible, from the evidence, that importations were not requisite to keep up their numbers. To the same point, and with equal ill success, lord Macartney, who had resided three years in the West Indies, and whose character he highly respected, had been quoted; and what had his lordship said on the subject? When the question was first put to him, in the committee, whether it would be prudent to abolish the slave trade, his lordship had answered, that he was an incompetent judge. Yet his lordship, it was evident, knew just as much of the business as several other governors and military persons who had been called, who, nevertheless, in support of preconceived opinions, had spoken very decidedly from very incompetent information. Nor had some other gentlemen been more cautious. Of the great island of Jamaica, which contained more than one half of the slaves in the West Indies, it had been seriously asserted, by several witnesses, that all possible means had been there used to keep up the stock by breeding, although it was allowed, that the morals of the slaves had been totally neglected, and that the sugar planters preferred buying a larger proportion of males than females; both which circumstances were acknowledged to be in a high degree unfavourable to population.

The great misfortune was, that preju-

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dice, not reason, was the enemy to be subdued, and he was sorry to say, that the prejudices of the West Indians, on these points, were numerous and inveterate. An historian of their own body, speaking of the various difficulties raised against any proposed improvements, had described them in terms, which he could scarcely have used, without incurring their resentment; as "absurd," "antiquated," and even "detestable;" and yet, that with respect to the negroes, this gentleman himself was under the influence of the blindest prejudice, his own words afforded irrefragable proof. He characterised them generally, as replete with the extreme degree of every evil quality, unallayed with the smallest mixture of any good whatsoever; and justified the practice of confining them in chains on board the African ships, on account of their "bloody, cruel, and malicious dispositions." And though, after having given an account of some of the Aborigines of Jamaica, who had "miserably perished in caves, whither they had retired to escape the tyranny of the Spaniards," he added, in language, worthy of an enlightened and philosophic historian, "leaving a glorious monument of their having disdained to survive the loss of their liberty and their country," he was yet incapable of perceiving, that this natural love of liberty might operate as strongly and as laudably in the African negroe, as in the Indian of Jamaica.—These prejudices were yet farther strengthened by resentment against those persons who had brought forward to the public eye, circumstances, by which the state of legislation and of society in the West Indies was undoubtedly deeply disgraced; and who had, to use their expressions, impertinently interfered in the management of their concerns. He was not at all surprised that men of reputation, of honour, and of humanity, should feel quick resentments at finding themselves involved, to a certain degree, in the disgrace of crimes, of which they knew themselves incapable; and the commission of which, many, for want either of information or attention, were disposed to disbelieve or even to deny. In exculpation of his friends and himself, he must tell such gentlemen, that the relations which had been given were no less disgraceful than true: and that, on this head, they had proceeded, not wantonly, but tenderly, in the business; that the facts which, out of many others had appeared, they had thought it absolutely necessary to produce, not with the view of fixing an unmerited stigma, either on the whole body of West Indians, or much less on innocent and valuable individuals; but to prove the degraded and neglected state in which the slaves had been suffered to exist. That they were exposed to much misery in consequence of their situation, was not only true in fact; it might have been previously asserted, without fear of contradiction, from a knowledge of their circumstances, and of the pernicious effects of arbitrary power in the hearts, even of the best of men. Far worse consequences might reasonably be expected, from a union of the three characters of party, judge, and executioner, too often in men unprincipled, uneducated, and prompted by interest also, to acts of severity. The slave too, was more unfortunately situated even than the brute; as being capable, from the superiority of his nature, of exciting, in a higher degree, the passions of his tyrant, he was liable to experience more violent effects of his resentment. And such effects were some times produced, and openly exhibited, as would, in this country, excite a tumult of detestation and abhorrence. General Tottenham had given in evidence, that, in 1780, in the public streets of Bridge Town, the capital of Barbadoes, he met one of the most deplorable objects which the human eye, perhaps, ever beheld. "A youth about nineteen," to use his own words, "entirely naked, with an iron collar about his neck, having five long projecting spikes; his body, both before and behind, was covered with wounds; his belly and thighs were almost cut to pieces, with running ulcers all over them, and a finger might have been laid into some of the wheals. He could not sit down because his hinder part was mortified, and it was impossible for him to lie down on account of the prongs of his collar." He came to the general, and supplicated for relief, which, of course, was granted. The general asked him who had inflicted on him so dreadful a punishment? it was plainly not the judicial authority who had inflicted it. Could any court have given such a sentence, they would have been hunted like wild beasts from the face of the earth. The youth told the general, it was his master who had inflicted the wounds; and because he could not work, his master, in the same spirit of perversion

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which extorts from scripture a justification of the slave trade, had fulfilled the Christian and Apostolic maxim, by giving him nothing to eat. If he wished to "harrow up their feelings," he could mention many acts. But the one he had just related, was mentioned by a general officer in his majesty's service. The only use he meant to make of it was, to show the unprotected state of the slaves, and to prove that there must be something fundamentally wrong in the laws and state of a society, where such a circumstance could publicly exist at all, much less unpunished, and almost unregarded. If, in the streets of London, but a dog were to be seen lacerated like this poor, miserable man, how would the cruelty of the wretch be execrated who should have so abused even a brute!

To give gentlemen, in one view, the strongest proof he was able, of the low estimation in which negroes were considered, from the strength of old customs and deeply rooted prejudices, and of their debased and unprotected state, he would relate two circumstances, in contrast, with a few observations. Mr. Edwards, in his speech before the Jamaica assembly, having occasion to mention a "rebellion," as it is called, of the negroes, very pathetically told the following story: "The rebels surrounded the dwelling house, and seized their unhappy mistress. She was young, beautiful, meek, modest and unoffending, and was in bed with a lovely infant, when the bloody savages demanded her person. Resistance and prayers were equally fruitless. The female slaves who attended her, dared not to express their pity, if pity they felt; but, having thrown a loose robe over her, delivered the miserable victim into their hands, and she heard the savages calmly deliberate on the means of putting her to death in torment. It happened, however, that her person and appearance excited the appetite of the ringleader, who declared he would preserve her to be his mistress. The others reluctantly consented, and the next object of their cruelty was the child, which they devoted to instant destruction. Nature now resumed her seat in the bosom of the unfortunate mother. She screamed aloud, and clasping the knees of him who had spared her life, implored him to save her infant. She implored in vain. Holding up the poor babe by the feet in the mother's sight, they cleft it in twain with a hatchet." Mr. Edwards proceeded to say

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"that his audience would probably think, after hearing the account which he had then read, that no punishment could be too severe, no torments too great for such horrible excesses. Nevertheless, he was of a different opinion; he thought that simple death, unaccompanied with any circumstances of cruelty, should be the utmost exertion of human authority over our unhappy fellow creatures." Torments, however, in these cases, always were inflicted, of the most horrible nature; the punishment was gibbeting alive, exposing them to perish by the gradual effects of hunger, thirst, and a parching sun; in which situation they had been known to suffer the most excruciating agonies for nine days with a fortitude scarcely credible, never uttering a single groan. And yet, without any attempt to lessen the mingled sentiment of horror and compassion, which every one must feel, or to justify the barbarity of their conduct, it ought to be remembered that these excesses were committed by ignorant savages, who had been dragged from all they held most dear, whose patience had been exhausted by a cruel and loathsome confinement during their transportation, and their resentment wound up to the highest pitch of fury, by the driver's lash, the utmost severity of which, their reluctance to labour without pay, had doubtless excited.—The other story, which he should place in contrast with the affecting narrative he had just related, was the plain unornamented tale of a common seaman, who was an eye-witness to the fact, on board a slave ship; and he then read as follows, in the words of the evidence: "A child of about ten months old took sulk, and would not eat. The captain took up the child, and flogged him with a cat; 'D—n you,' said he, 'I'll make you eat or I'll kill you.' From this, and other ill treatment, the child's legs swelled, and the captain ordered some water to be made hot for abating the swelling." But even his tender mercies were cruel; for "the cook putting his hand into the water, said it was too hot. 'D—n him,' said the captain, 'put his feet in.' The child was put into the water, and the nails and skin came all of his feet. Oiled cloths were then put round them. The child was then tied to a heavy log, and two or three days afterwards the captain caught it up again and said, 'I will make you eat, or I will 'be the death of you.' He immediately flogged the child again; and, in a quarter

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of an hour it died." One would imagine, that the most savage cruelty would here have been satiated; but, extraordinary as it might appear, of this detestable transaction the most detestable part yet remained. After the infant was dead, he would not suffer any of the people on deck to throw the body overboard, but called the wretched mother, to perform this last sad office to her murdered child. Unwilling, as it might naturally be supposed she was, to comply, "he beat her, till he made her take up the child and carry it to the side of the vessel, and then she dropped it into the sea, turning her head the other way, that she might not see it!" Mr. Smith asked the committee if ever they had heard of such a deed, on which some of the inconsiderate few laughed, and on hearing it, he declared, with great indignation, that he should not have thought it possible for any one man in that committee to have betrayed such a total want of feeling, and that he was almost ashamed of being a member of the assembly, in which so disgraceful a circumstance had happened. But it would naturally be asked, "Was not this captain also gibbeted?" Alas! although the execrable barbarity of the European exceeded that of the Africans, almost as much as his opportunities of instruction had been greater than theirs, no notice whatsoever was taken of this horrible action; and ten thousand similar cruelties had been committed in this abominable trade, with equal impunity. Here, indeed, was the point to be most censured and lamented; for if the perpetrators had been brought to justice, he should not have thought the facts themselves more deserving of being forced on the unwilling attention of the House, than the cruelty of a Brownrigg, who had been execrated and punished; or than that of the man who murdered his wife the last week, who, he hoped, would also suffer the punishment due to his crime What he particularly complained of was, that those who had been guilty of such enormities, had escaped with impunity. On these grounds, among others, he should give his decided vote for immediate abolition.

Mr *Cawthorne* said, that the story of the child, from its enormity, was impossible, and many other parts of the evidence might be refuted on the same ground. Of this there were many instances; one man said that the captains of French slave ships, when they had not a sufficient quantity of water for the number on board, preferred giving them arsenick to throwing them into the sea; another believed that the religion of Angola was the Roman Catholic. Did evidence so absurd deserve the least attention? In deciding on a question, which involved the abolition of the slave trade, they wouldd o well to recollect what was required by justice to the islands, by humanity to themselves, and by general policy. He intimated that if the motion were lost, as he trusted it would be, he would make one of a different tendency.

Mr. *Courtenay* said, that he had last night heard the eloquent speech of the hon. mover of the question, with much sympathy and conviction; nor had his sentiments been at all shaken by any thing which he had since heard on the other side. It was a mistake to suppose that the slave trade, if abandoned by us, would fall into the hands of France. It ought to be recollected, with what approbation the motion for abolishing the trade, made by the late M. Mirabeau, had been received. It was not to be doubted, that, if the parliament of this country should begin, so wise and enlightened a body as the national assembly would quickly follow their example. The cause of justice and humanity, in both these nations, now cemented by freedom, could not long miscarry. But even though the trade should not be relinquished by others, if justice required its abolition we ought not to hesitate. Some gentlemen had said, that the trade was conducted on principles of humanity. Truly it was a new species of humanity! We rescued them, from what we were pleased to term their wretched situation at home, and then we took credit for our humanity, because after killing one half of them in the seasoning, we substitute, as we contend, a better treatment in the colonies than that to which they were liable at home! It had been stated, that the principle of war, among savages, was a general massacre. This however, was not the fact, as would appear from the accounts of travellers. On the contrary, they frequently adopted the captives into their own families, and, so far from massacring the women and children, afforded them the protection which the weakness of sex or age demanded. There could be no doubt that the practice of kidnapping prevailed; and, as to the convictions for adultery and witchcraft, which were part of the alleged

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cause of slavery, every man being allowed six wives, there could be no great inducement to the crime of adultery. As to witchcraft, this had been made a crime in the reign of James the 1st, in this country, for the purpose of informations; and how much more likely was this to be the case in Africa, under the encouragement to such convictions afforded by the slave trade? If the slave trade was sanctioned, as had been said, by twenty-six acts of parliament, he did not doubt but that fifty-six acts might be found, by which parliament had given its sanction to witchcraft. It had been said, that the pulpit had been used as an instrument of attack on the slave trade. He was happy to learn that it had been so well employed; but he rather doubted this fact, as he believed that some of the clergy had obtained preferment, for inculcating the doctrine, that the negroes were predestinated to slavery. Yet he could not doubt when the bill went to the Lords, that the bishops would rise up, with that virtuous indignation which became them, to abolish a traffic so contrary to all the principles of humanity, justice and religion. He entreated every gentleman to recollect, that, on his vote that night depended the happiness of millions, and that it was now in his power to promote a measure of which the benefits would be felt over one whole quarter of the globe; that the seeds of civilization might, by the proposed bill, be sown all over Africa; and the first principles of humanity be established in regions where they had hitherto not prevailed.

Lord *Carysfort* said, that if he had entertained any doubts on the present question, they would have been removed entirely by the very able arguments used at the introduction of it; though, if possible he was convinced still more by the manner in which it had been opposed; no one argument, of solid weight having, in his opinion, been adduced against it. He spoke of the inadequacy of the colonial laws for the protection of the slaves, and the severity of their punishment. They were ordered to receive thirty nine lashes, from a cart whip, for the ordinary offences; but, how dreadfully severe and disproportionate was this punishment. They were deprived of the right of self-defence against any white man; and the whole system, in the West Indies, was totally repugnant to the principles of our constitution. The measure had policy on its side; for the true interest of every nation consisted in adhering to justice: and though other countries should retain the trade; yet, founded as it was in false policy and complete injustice there could be no cause to regret our abandoning it.

Colonel *Phipps* said, it had been asserted that this was a question in which the rights of humanity and the laws of nature were concerned. He could not agree to consider it in that light; nor did he think that those who had formed their opinions on the same ground with himself were at all deserving of the harsh expressions used the preceding evening. Sure he was, that he was not less sensible to the sufferings of mankind, than any other gentleman. The colonel then described the nature of the governments of Africa, whence the negroes, who were the objects of the slave trade, were originally procured. The African governments, he said, were neither limited monarchies, aristocracies, nor democracies. They were founded in absolute despotism, and every subject was an actual slave. The great men of the country were slaves to the governor, their dependants were slaves to those great men, and so on, downwards. All their customs, in like manner, were different from those of other countries. The prisoners of war were subject to slavery, and such being the case, he saw no more cruelty in disposing of them to our merchants, than to those of any other nation The life of any subject of another prince was forfeitable, if he were taken captive in war. Criminals also, in cases of adultery and witchcraft, were subject to slavery in Africa. It had been said, that there were no laws in the West Indies for the protection of the slaves. He begged leave to deny the fact. There were several laws in existence, though he was ready to admit that farther regulations were necessary. He had passed ten months in Jamaica, where, he declared, he never had seen any such acts of cruelty as were now talked of. Such severities as he had seen had not been exercised by planters, or masters, or overseers, or any other whites; but by blacks. The dreadful stories recited to the committee, ought no more to fix a general stigma on the planters, than the story of Mrs. Brownrigg ought to stamp this metropolis with the general brand of murder. There had been a haberdasher's wife (Mrs. Nairne) who locked up her apprentice girl, and starved her to death; but did any body ever think of

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abolishing haberdashery on this account? He was persuaded that the negroes in the West Indies were, in general, chearful and happy. They were fond of ornaments: and he appealed to the observation of every gentleman, whether it was the characteristic of miserable persons to show a fondness for finery? On the contrary, did it not imply a chearful, contented mind, when people were desirous of decorating the body? If, as he trusted would be the case, the hon. gentleman should lose his motion, his humanity need not be at a stand; for it would induce him to employ himself in devising the means of providing for the accommodation of the negroes, by some provident regulations.

Mr. *Pitt* said, that from the first hour of his having had the honour to sit in parliament, down to the present, of all the questions, whether political or personal, in which it had been his fortune to take a share, there never had been one in which his heart was so deeply interested as the present; both on account of the serious principles which it involved, and the important consequences connected with it. He observed that however forcibly he might appeal to the natural and unerring feelings of every man upon this subject, and however strong an argument he might therefore draw even from this consideration, yet this was not the ground on which he was about to rest the determination of the present question. The present was not a mere question of feeling: it was not for the sake of exercising humanity, as had been often falsely imagined, that the abolition of the trade in slaves was pressed upon the committee; but it was quite another principle, which ought, in his own opinion, to determine their minds The main argument insisted on was, that the slave trade was founded in injustice; "and it is, therefore," said Mr. Pitt, "such a trade, as it is impossible for me to support, unless gentlemen will, in the first place, prove to me, that there are no laws of morality binding upon nations, and that it is no duty of a legislature to restrain its subjects from invading the happiness of other countries, and from violating the fundamental principles of justice."

Many gentlemen, however, who opposed the motion, had brought forward the plea of impracticability. Several of them had even expressed a desire to see the slave trade abolished, if it were not for some necessity for continuing it, which they conceived to exsit; nay, almost every one he believed, appeared to wish, that the farther importation of slaves might cease, provided it could be made out that the population of the West Indies could be, by any means, maintained without it.

He proposed, therefore, to apply himself particularly to this subject; for as this appeared to operate, in the mind of so many gentlemen, as the chief objection he trusted, that, by showing this argument to be groundless, he should be able to clear away every obstacle; so that, having no ground, either of justice or necessity, to stand upon, there could be no pretence left to the committee, for resisting the present motion.—He might reasonably hope, however, that gentlemen even upon their own grounds, would not reckon any disadvantage to the plantations, which was merely small and temporary, to be a sufficient reason to warrant the continuance of the slave trade. It was surely not any slight degree of expediency, any small balance of profit, nor any light shades of probability on the one side, rather than the other, which would determine any gentleman in the present question. The committee he was sure, would not decide the question on such grounds. The slave trade was an evil of such a magnitude, that there must be a common wish in them at once to put an end to it, if there were no very great and serious obstacle. Nothing short of the utmost danger, nay, of ruin to the West Indian islands, ought we to hear urged as a plea for continuing such a trade as this. It was a trade by which unoffending nations were deprived of the blessings of civilization, and had their peace and happiness invaded. It ought, therefore, to be no common expediency; it ought either to be some positive necessity, or, at least, something very like necessity, which it became those gentlemen to plead, who took upon them to defend the continuance of this traffic.

He knew that the West Indian gentlemen had used very strong language on this part of the subject, and had expressed an alarm for the islands that was very serious indeed. It would be proper however, for the committee to consider this for themselves; for he could not help thinking, there was an over great degree of sensibility among those gentlemen, on this particular point, and that their alarm was excited in a degree which the occa-

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sion by no means justified. He had endeavoured carefully and impartially to examine into this himself, and he would now proceed to lay those reasons before the committee, which induced him firmly to believe, that no permanent mischief would follow from the abolition, that not even any such temporary hurt or inconvenience as could be stated to be a reason for preventing the House from agreeing to the question before them; but, on the contrary, that the abolition itself would lay the foundation for the more solid improvement of all the various interests of those colonies. In proceeding upon this subject, he should apply his observations chiefly to Jamaica, which contained more than half the slaves in the whole West Indies, and if he should succeed in proving that no material detriment could arise to the population of that island, this would afford so strong a presumption with respect to the other islands, that the House could not any longer hesitate whether they should or should not put a stop to this most horrid trade. In the twenty years, ending in 1788, the annual loss of slaves in Jamaica, that is, the excess of deaths above the births, appeared to be one in one hundred; in a preceding period the loss was greater, and in a period before that greater still, there having been a continual gradation in the decrease through the whole time, as appeared from an accurate examination of the particular years in each period. It might fairly be concluded therefore, that, the average loss of the last period being one per cent., the loss in the former part of it would be somewhat more, and in the latter part somewhat less than one per cent.; insomuch that it might be fairly questioned whether, by this time, the births and deaths in Jamaica might not be stated as very nearly equal. It was to be added, that a peculiar calamity, which swept away 15,000 persons, had occasioned a part of the mortality in the last-mentioned period. The check to the provision trade, occasioned by the independence of America, had also been urged, by the West-India gentlemen, as a cause of more than common depopulation in the same time; whether this had really operated to so great an extent as had been stated he could not say, but he was clear that this also was an evil which might not be expected to return, as a very considerable culture of provisions in the islands had now happily taken place. It was plain, then, even on these grounds only, nay even, if the apparent loss had been, as some statements made it, more than one per cent., that the probable loss now to be expected must be very inconsiderable indeed.—There was, however, one circumstance to be added, which the West India gentlemen, in stating this matter, had entirely overlooked, and which was so material as clearly to reduce the probable diminution in the population of Jamaica down to nothing, supposing even that all the observations he had just been making were entirely to fail him. The circumstance he meant was this; in all the calculations he had referred to of the comparative number of births and deaths, all the negroes in the island were included; those newly-imported negroes, who died in consequence of the seasoning, made a part, and swelled, therefore, very materially the number of the deaths; but as these extraordinary deaths would cease as soon as the importation ceased, there ought to be a deduction of them made from his present calculation. Now, this number would make up of itself nearly the whole of that one per cent. which had been stated, laying aside all the other considerations. He particularly pressed gentlemen's attention to this circumstance; for it was undoubtedly the fact, that the complaint of being likely to want hands in Jamaica arose from the mistake of including the present unnatural deaths caused by the seasoning among the natural and perpetual causes of mortality. These deaths, being erroneously taken into the planters calculations, gave occasion to the idea that the number could not be kept up. These deaths, which were caused merely by the slave trade, furnished the very ground, therefore, on which the continuance of the slave trade was thought necessary, and became the very reason for bringing over more of those wretched negroes, and for thus adding to this very source of mortality. The evidence before the House as to this point was perfectly clear; for it would be found in that dreadful catalogue of deaths, in consequence of the seasoning, and the middle passage, which the House had been condemned to look into, that one half die. An annual mortality of 2,000 in Jamaica might be charged therefore, to the importation, which, compared with the whole numbers on the island, hardly fell short of the whole one per cent decrease.—Joining this with all the other considerations, Mr. Pitt then asked, can the decrease of slaves in Jamaica be such

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—can the colonies be so destitute of means, so incapable of those improvements which a more prudent management and a spirit of benevolence must naturally furnish—can they, at a time when they tell you of new regulations to benefit the slaves, which, they say, are establishing every day—can they, under all these circumstances, be permitted to plead that total impossibility of keeping up their number, which they have rested on, as being indeed the only possible pretext for allowing fresh importations from Africa? He appealed, therefore, to the sober judgment of every gentleman whether an interest on the part of Jamaica, such as he had described, could form an objection or justify a hesitation, in agreeing to the present motion.

It might be observed, also, that, when the importation should stop, that disproportion between the sexes, which was one of the obstacles to population, would gradually diminish, and indeed our whole colonies in the West Indies would revert to that natural order and course of things by which population and civilization are promoted. Through the want of this natural order, a thousand grievances were created which it was impossible to define, and which it was in vain to think that, under such circumstances, we could cure. He was convinced that the abolition itself would work this effect. The West Indians would then feel a near and urgent interest to enter into a thousand little details which it was impossible for him to describe, but which have the greatest influence on population. A foundation would thus be laid for the general welfare of the islands, a new system would rise up the reverse of the old, and eventually both their general wealth and general happiness would increase. This, however, it should be remembered, was proving far more than he was bound to, with a view to the present question, for gentlemen must feel, that if even he could prove the abolition not ruinous, it would be enough. He could give up, therefore, three arguments out of four through the whole that he had said, and yet have enough left to establish his position. As to the Creoles, it was a plain point that they would increase; they differed in this entirely from the imported slaves, who were both a burthen and a curse to themselves and others. The measure now proposed would operate like a charm, and besides stopping all the miseries we give occasion to in Africa and the middle passage, would produce even more benefits in the West Indies than legal regulations could do.

One thing he must touch upon, which was rather a delicate point—the question of emancipating the slaves in the West Indies. A rash emancipation he was clear would be wrong and mischievous; in that unhappy situation to which our baneful conduct had brought both ourselves and them, it would be no justice on either side to give them liberty. They were as yet incapable of it, but gradually their situation might be mended. They might be relieved from every thing harsh and severe, raised from their present degradation, and put under the powerful protection of law! till then to talk of emancipation was insanity. But it was the system of fresh importations that interfered with these principles of improvement, and it was the abolition of the slave trade which would furnish the means of effectually regulating the situation of the slaves in the islands. This was not a warm idea taken up without due reasoning and reflection, but had its foundation in human nature. Wherever there was the incentive of honour, credit, and fair profit, there industry would be; and when these labourers should have the natural springs of human action afforded them, they would then rise to the natural level of human industry; but when degraded into mere machines, they would not even afford you all the benefit of machines, but become more unprofitable, and every way more disadvantageous, than any other instrument of labour whatsoever.

Mr. Pitt then proceeded to some short observations on each of the other islands, as there were some circumstances of difference between them. In Barbadoes there had been no decrease to alarm us! on the contrary, the slaves in that island seemed rather to increase. In St. Kitt's, the decrease for 14 years had been but 3-4ths per cent. and here many of the same observations would apply, as he had been using in the case of Jamaica. In Antigua, a considerable number had died by a particular calamity; but for this, the decrease would have been really trifling. In Nevis and Montserrat there was this strong and most favourable circumstance, that there was little or no disproportion of sexes, and it might well be hoped the numbers would be kept up. In Dominica, some controversy had arisen about the calculation: but he had to observe, that go-

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vernor Orde mentions that there is an increase of births above the deaths. From Grenada and St. Vincent's, no good accounts had been transmitted, in answer to the queries sent them; but they were probably not in circumstances less favourable than the other islands, though perhaps it might be found, that persons who had proceeded on recent grants might be entitled to our consideration; but whether their case was separated from the others or not, it never could be argued that they ought to stand in the way of the great object before the House.—On a full review of the probable state of the negro population in our West-India islands, was there then any serious ground of alarm from the measure of abolishing the slave trade—of abolishing it entirely and immediately? and was there any of that impracticability to be pleaded, on which alone so many gentlemen had rested all their objections? Must we not blush at pretending that it would distress our consciences to abolish this most horrid trade, on account of the alarming consequences to the population of the islands?

Intolerable were the mischiefs of this trade, both in its origin, and through every stage of its progress. An hon. gentleman had been describing Africa as a continent half cultivated. In such a country, in order to promote this trade, you must apply yourselves to the avarice and to the worst passions of the princes. To say that slaves can be furnished us by fair and commercial means was absurd and ridiculous. The trade sometimes ceased, as during the last war; sometimes the demand increased, sometimes it was declining, according to our circumstances. But how was it possible that, to a demand so extremely fluctuating, the supply of slaves should always exactly accommodate itself? Alas! alas! (said Mr. Pitt) we make human beings the subjects of commerce; we learn to talk of them as such; yet we will not allow to them the common principle of commerce, that, the supply must accommodate itself to the consumption. It was from wars, then, that the slaves were chiefly furnished. They were obtained in proportion as they were wanted. If a demand for slaves arose, a supply was forced in one way or other, and it was in vain, overpowered as we now were with positive evidence, as well as the reasonableness of the supposition, to deny, that, by the slave trade, we were the causes of those dreadful enormities on that unhappy continent. It was plain, if we considered the number annually carried off, that no regular or ordinary means could furnish so many captives.—It was said by an hon. baronet, that if we did not take them, they would be destroyed; but this he did not believe, because he did not find, from all his reading, that the destruction of their captives was the common practice of all uncivilized nations. We assumed, therefore, what was false; the very selling them implied this; for if they would sell their captives for profit, why should they not employ them in any labour that would yield a profit, for the same reason? Nay, many of them, while there was no demand from the slave merchants, were often actually so employed. The wealth of the richer people in Africa was reckoned to consist in slaves, and how could we suppose they would be so absurd, then, as to destroy them? Besides, the trade had been suspended during the war, and it was never said or thought, that any such consequence had then followed. But even if instead of the present pitiless transportations, some few lives should be actually destroyed; if at the first they, with the guilt on their heads, should put some few prisoners to death, it was clear, that we ought not to make this any reason for persisting in the trade. The duration of this evil that was dreaded would be short; by degrees the interest of humanity would work its own way, if our perverted system did not obstruct its course.

It had been argued, by the hon. baronet, that the selling men for witchcraft was no consequence of the slave trade, for that witchcraft commonly implied poison, and was a real punishable crime. But it was to be recollected, that in the case of witchcraft or poison, it was not the individual only, but man, woman, and child, every connexion and relation of the guilty person that were sold for slaves, which principle of injustice and cruelty was promoted most undoubtedly by the slave trade. The truth was, that we stopt the natural progress of civilization! we cut off Africa from the opportunity of improvement; we kept down that continent in a state of darkness, bondage, ignorance, and blood. Was not this an awful consideration for this country? Look on the map of Africa; how little useful intercourse had been established in that vast continent! While other countries were

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assisting and enlightening each other, that alone had none of these benefits? We had obtained as yet only just so much knowledge of its productions, as to show that there is a capacity for trade, which we check. Indeed, if the mischiefs in Africa were out of the question, the circumstances of the middle passage alone would, in his mind, be reason enough for the abolition. Such a scene as that of the slave ships, passing over with their wretched cargoes to the West Indies, if it could be spread before the eyes of the House, would be sufficient of itself to make them vote at once for this question. And when it can be added also, that the interest even of the West Indies themselves rests on the abolition of this trade, he could not conceive an act of more indispensable duty than that which was now proposed to the House. If even the consequences had appeared to him widely different from what they did appear, still he should insist that the House ought to give the same vote. What an aggravation, then, of guilt would it be, if the policy, instead of being against the measure, was also for it! When it was evident, that this execrable traffic was as opposite to expediency, as it was to the dictates of mercy, of religion, of equity, and of every good principle that should actuate the breast, how can we hesitate a moment to abolish this commerce in human flesh, which had too long disgraced our country, and which our example would no doubt contribute to abolish in every corner of the globe?

Sir *A. Edmonstone* wished to know what was meant to be done by the hon. mover, if the present question was carried.

Alderman *Watson* said, that if humanity were concerned in the question, he should be as ready to support the motion as any man. The fact, was, however, that the natives of Africa were taken from a worse state of slavery in their own country, to one more mild. The abolition of the trade, he contended, would ruin the West Indies, destroy our Newfoundland fishery, which the slaves in the West Indies supported, by consuming that part of the fish which was fit for no other consumption, and consequently, by cutting off the great source of seamen, annihilate our marine. He recommended it to the committee to soften the rigours of slavery, by wholesome regulations; but not to adopt so rash a conduct as to vote the immediate abolition of the trade.

Mr. *Fox* rose. He observed, that some expressions which he had used on the preceding day, had been complained of as too harsh and severe. He had now had four-and-twenty hours to reflect on his words; he had revolved them over and over again in his mind, but he could not prevail on himself to retract them; because the more he considered the subject in discussion, the more did he believe that if, after reading all the evidence on the table, and attending to the debate, any gentleman could continue to oppose the abolition of the slave trade, and could thus avow himself, after a full knowledge of the subject, an abettor of this shameful traffic in human flesh, it could only be from some hardness of heart, or some difficulty of understanding which he really knew not how to account for.—Several gentlemen had considered this question, as a question of political freedom; whereas it was no such thing. No man would suspect him of being an enemy to political freedom; his sentiments were too well known to leave him subject to such a suspicion. But this was a question not of political but of personal freedom. Political freedom was undoubtedly as great a blessing as any people under heaven—considered collectively as a people—could pant after, or seek to possess; but political freedom, when it came to be compared with personal freedom, sank to nothing, and became no blessing at all in comparison. To confound these two, served, therefore, only to render all argument on either perplexing and unintelligible. It was personal freedom that was now the point in question. Personal freedom must be the first object of every human being; and it was a right, of which he who deprives a fellow-creature is absolutely criminal in so depriving him, and which he who withholds, when it is in his power to restore, is no less criminal in withholding. Mr. Fox therefore declared that, though he professed great regard for an honourable friend who had complained of his words, and for a noble lord who sat near him (lord John Russell), yet unless they endeavoured, zealously and sincerely, to put an end to so horrid a violation of personal freedom, as the African slave-trade most undoubtedly was, however, it might hurt those for whom he felt an affection and respect, yet he could not so far compliment them as to neglect speaking in the manner which his duty required, upon a subject so serious.

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The House being now apprized of the nature of this trade—having received evidence—having had the facts undeniably established—knowing, in short, what the slave trade was, he declared, that if they did not, by the vote of that night, mark to all mankind their abhorrence of a practice so enormous, so savage, so repugnant to all laws, human and divine, it would be more scandalous, and more defaming in the eyes of the country and of the world, than any vote which any House of Commons had ever given. He desired them seriously to reflect, before they gave their votes, what they were about to do that evening. If they voted that the slave trade should not be abolished, they would, by their vote that night, give a parliamentary sanction to rapine, robbery, and murder; for a system of rapine, robbery, and murder, the slave trade had now most clearly been proved to be. Every gentleman who had perused the examination of the witnesses upon the table, must acknowledge that he had not used one word too strong. He had read the privy council's report some time ago; but owned that it was but lately that he had turned his attention to the evidence since taken before the select committee; and he regretted that he had not done it sooner; for the facts he there found were such as proved the absolute necessity, on every consideration of morality and justice, of putting an end to a practice so pregnant with circumstances of terror and alarm to this country.

That the pretence of danger to our West India islands from the abolition was totally unfounded, the speech of the hon. gentleman who introduced the motion had fully convinced him; but if it had not, the speech of the chancellor of the exchequer, in which speech he had, in so masterly a manner, established that point, must have given him complete satisfaction. If there was any thing for him at all to find fault with in the right hon. gentleman's speech, he should say, that it could only be his dwelling so much on that part of the subject, and bestowing so much eloquence and ability on it; so as to give an air of more importance to the pretexts of the other side than they at all deserved; thus, drawing the attention of the committee from the justice of the question,—which was a thing of infinitely greater magnitude. It had been shown, on a comparison of the deaths and births in Jamaica, that there was not now any decrease; but if there had been, it would have made no difference in his conduct on the subject; for had the mortality been ever so great, he should have ascribed it entirely to the system of importing negroes, instead of encouraging the breed. If any man were to tell him of a country in which, though horses were used, yet very few were bred, this would not induce him to suppose there was any unfriendliness in the climate of that country to the natural propagation of horses, but merely to its being found cheaper by the inhabitants to buy horses than to breed them. It was not his fault, Mr. Fox said, that he was reduced to the degrading necessity of speaking of human beings as if they were horses.—But what he urged in the case of horses was evidently the case with slaves in the West Indies. The climate was declared to be remarkably congenial to them, and to be just like their own. This had been actually pleaded—with a different view, indeed—in favour of the slave trade. Then why should they not breed? It was merely because the West India planters thought it more convenient, more agreeable to them, or more cheap, to buy them fit for work than to breed them: it was because the planters did not choose to treat them with that attention and humanity which would ensure their breeding. What, then, was the purpose for which this accursed and horrid traffic in human creatures was desired to be kept up? The purpose was this—in order to give the planters the opportunity of destroying the negroes on their estates, as fast as they pleased. The plea on which the slave trade to Africa was to be kept up—if the mortality in the islands was the plea—could only be in order to indulge the planters in the liberty of misusing their slaves, so as to check propagation; for it was from ill usage only that, in a climate so natural to them and so favourable, their numbers could ever diminish. Mr. Fox stated, therefore, that if the mortality in the West Indies were ten times greater than it was, this would only be a ten times stronger reason for forbidding the importation of slaves. It would only argue ten times more ill usage than now prevailed, and parliament would be so much the more loudly called upon to put an end to a system so destructive of human life. The very ground, therefore, on which the planters rested the necessity of fresh importations, namely, the destruction of lives in the West Indies

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was itself the strongest reason that could possibly be given for the abolition of the trade, and the more strongly they chose to urge, the more strongly should he argue from it the necessity of the present measure, and the serious need there was of a parliamentary interference. He observed, also, that if any thing could aggravate the national guilt of the slave trade on the coast of Africa, it was this same dreadful argument of its being necessary in order to replace the lives destroyed by our inhuman system of treating them in the West Indies.

Mr. Fox next adverted to some instances of cruelty which had been mentioned, and which appeared in actual evidence. He thought that an hon. gentleman (Mr. W. Smith) who had spoken with much sound argument and manly sense, had done well to introduce those stories which had made such an impression on the House, that he could scarcely bear to be present when such horrid tales were even related. But, had the truth of any one of them been controverted? An hon. gentleman (Mr. Cawthorne), by way of discrediting the account given of the African captain's cruelty to the child ten months old, could only say that it was too bad to be true, and that it was impossible: and, in order to discredit the witness, had bid them look to his cross examination. The hon. gentleman, however, had declined turning to the cross-examination, the whole of which, Mr. Fox desired the House to observe, amounted to this; that when pressed, in the closest and strictest manner, by some able persons of that House, the only inconsistency they could fix upon him, was a doubt whether the fact had happened on the same day, of the same month, of the year 1764 or the year 1765.—He observed, that absolute power was not denied to be exercised by the slave captains, and, if this were granted such was human nature, that he was persuaded all the cruelties charged upon them would naturally follow. He also remarked, that nothing less than complete arbitrary power was exercised over the slaves in the West Indies, and he spoke of the abuse of it, which there, as well as every where else, must be the consequence. Never did he hear of any charges exhibited against any set of men, before any court or legislature, of so black and horrible a nature as those contained in the evidence now on the table; and it became those who laboured under them to come forward to vindicate their characters to their country. Many, in short, were the instances of cruelty to which this trade gave rise. It was a scene of such iniquity and oppression, in every one of its stages, that if the House, with all their present knowledge of the circumstances, should dare to vote for its continuance, they must have nerves of which he had no conception. We might find instances, indeed, in ancient history of men violating all the feelings of nature in some cases of an extraordinary kind. Fathers have sacrificed their sons and daughters, and husbands their wives; but if we were to do violence to the feelings of humanity, and, in this respect, to imitate their characters, we ought not only to have nerves as strong as the two Brutuses, but we ought also to take care that we had a cause as good, and that we had motives for such a dereliction of our feelings as patriotic and public spirited as they had.

But what was this trade so contended for, this wholesale sacrifice of a whole order and race of our fellow creatures, which, in violence to all our feelings we were asked to vote the continuance of? It was a traffic for human beings, who were to be carried away by force, from their native country, to be subjected to the mere will and caprice, the tyranny and oppression of other human beings, for their whole natural lives, they and their posterity for ever! Mr. Fox then entered into some account of the trade, tracing it from its first scenes in Africa, through the middle passage to its conclusion. It was impossible, he said, to consider it in the light of any natural or ordinary commerce. It was on the first view obvious, that there could not be a multitude of human beings at all times, ready to be furnished, in the way of fair articles of commerce, just as our commerce, just as our occasion might require. The argument urged by the chancellor of the exchequer upon his head was perfectly unanswerable. Our demand was fluctuating it entirely ceased at some times, nay, for whole years together, as was the case during the last war; sometimes, again a demand for slaves was great and pressing. How, then, was it possible on every sudden call, to furnish a sufficient return in slaves, without resorting to those means of obtaining them which had been mentioned, and the very mention of which was sufficient to strike us with horror? He observed there had been three means

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stated, of procuring slaves: namely those of war, trade, and crimes supposed to be committed, each of which he would now a little examine the justice of.—Captives in war, it was urged, were in uncivilized countries commonly doomed to slavery. This, however, was false in point of fact; and it was so far from being the case in Europe, that it was become a custom founded on the wisest policy, to pay the captives a peculiar respect and civility. Ought we not to inculcate the same principles in Africa? So far from it, we encouraged wars for the sake of taking, not the man's goods and possessions, but the man himself, and it was not the war that was the cause of the slave trade, but the slave trade that was the cause of the war. The practice was, as appeared in evidence, for the slave merchants to carry presents consisting commonly of spirits, to the African kings, and when intoxicated with them then it was that the royal prerogative of making war was exercised. An instance was mentioned in evidence, of an African prince, who, when sober, had resisted the wishes of the slave merchants; but who in the moment of inebriety, gave the word for war, attacked the next village, inhabited by his own subjects, carried them all off, and sold then to the slave merchants..

After dwelling on the enormity of the system of making war in Africa, which was one source of obtaining slaves, he came next to the second way of procuring them, namely, that of trade. This, he said was proved by the most undeniable evidence to be little more nor less than a most shameful and unrestrained system of kidnapping. He referred the House to various instances of this. He mentioned one case, in which the agent of the merchants affected to act as mediator between two contending parties, who, if he might be allowed to use a pun on so melancholy an occasion, certainly brought the two parties together, for he brought them tied back to back to one another, and hurried them both on board a slave ship. There was another instance of a considerable black slave merchant, who after having sold a girl whom he had kidnapped, was presently after kidnapped and carried away himself; and when he asked the African captain in his strange language "What, take me grand trader too?" the only answer was, "Yes, we will take you or her, or any one else, provided any body will sell you to us." And accordingly both the trader and the child were carried off together to the West Indies.—Mr. Fox then adverted to the third mode of obtaining slaves; namely, by crimes, committed, or supposed to be committed. This had been stated in such a way, that one would think the slave trade was kept up by us, on a sort of friendly principle, and as a necessary part of the police of that country. It was remarkable, that two of the chief crimes which produced convictions, were adultery and witchcraft. Was adultery, then, a crime which we need go to Africa to punish? Was this the way we took to establish the purity of our national character? Where marriage was solemnly instituted, as a religious rite, as it was in this civilized country, he should be sorry to speak lightly of the crime of adultery. But, was Africa the place where Englishmen, above all men, ought to go in search of adulterers? Did it become us, to use our Saviour's expression, "to cast the first stone?" It was a most extraordinary pilgrimage, for a most extraordinary purpose! And yet this was one of the chief crimes by which, in this civilized country, we justified our right of carrying off its inhabitants into perpetual slavery, in the West Indies. The next crime to this was the supposed one of witchcraft We ourselves, more enlightened than they were, were aware that the crime did not really exist; but, instead of humanely trying to dispel their blindness and ignorance, we rather chose, for the sa keof the slave trade, to lend ourselves to their superstition, and become the instruments of their blind vengeance. We stood by, we heard the trial, we knew the crime to be impossible, and that the accused must be innocent: but we waited in patient silence for his condemnation, and then we lent our friendly aid to the police of the country, by buying the wretched convict, with all his family, whom, for the benefit of Africa, we carried away also into perpetual slavery.

Having spoken of the three ways of obtaining slaves, Mr. Fox proceeded to the manner of their transportation. He knew not how to give the House a more correct idea of all the horrors of their situation, when on board, than by referring them to the section of a slave ship, where the eye might see what the tongue must fall short in describing. Here he enlarged on the effects of despotic power in the case of captains of slave ships, and on the strange instances of cruelty, proved in evidence

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to have been perpetrated. They had been thought, by some persons, to be so extravagant, that the term of insanity had been used; and, indeed, they were unaccountable, except on the principle, that despotic power by long use is apt to produce acts of cruelty so enormous, that they have been known frequently to assume the appearance of insanity. Among European sovereigns, indeed, the mild influence of religion, philosophy, and the modern limitations of power, had rendered acts of despotism and cruelty far from common; but, among the emperors of Rome, how many were there who, by the unrestrained use of their power, became so cruel as to be suspected of occasional insanity just as many masters of slave ships had been. Who was there that ever read in the Roman history the facts recorded of Nero, without suspecting he was mad? Who would not be apt to impute insanity to that monster Caligula? Who would not think the same of Domitian? Who would hesitate to pronounce Caracalla insane? Who could otherwise account for the vices of Commodus? Or who could not doubt that Heliogabalus was out of his senses? Here were six Roman emperors, not connected in blood, or by descent, who, each of them possessing uncontrolled power, had been so distinguished for cruelty, that nothing short of insanity could well be imputed to them. He then asked whether the insanity of the masters of slave ships might not be suspected to be something of the same species, and might not be accounted for upon much the same principles?

Mr. Fox then proceeded to the situation of the slaves, when brought to the West Indies. It had been said, indeed, that they were taken from a worse state to a better. The House, he knew, could not wish to hear recitals of cruelty, nor did he like to dwell upon them. It was their duty, however, in the present case, to open their ears to them, and the House, exclaimed Mr. Fox, shall hear them. An hon. gentleman before him had quoted some instances, and he would now quote two more. The first was in a French island; but was declared by witnesses of unimpeachable credit. A slave under hard usage, urged by the first impulse of nature, had run away, and attempted to get his liberty. To prevent his repeating the offence, the planter sent for his surgeon, and said to him, "Cut off this man's leg." The surgeon, who had more humanity than his master, refused. "You refuse," said the planter, "then what you decline as an act of friendship to me, I will compel you to do as an act of duty." Upon this, the planter broke the poor man's leg. "There now," said he to the surgeon, "you must cut off his leg, or the man will die." We might console ourselves, perhaps, that this was in a French island, but in the English there was no great difference; and the next instance he should state was in an island of our own. A gentleman (Mr. Ross, as appeared in evidence), while he was walking along, heard the shrieks of a female, issuing from a barn or outhouse; and as they were much too violent to be excited by any ordinary punishment, he was prompted to go near, and see what could be the matter. On looking in, he perceived a young female tied up to a beam by her wrists, entirely naked, and in the act of involuntarily writhing and swinging, while the author of her torture was standing below her, with a lighted torch in his hand, which he applied to all the parts of her body, as it approached him. What crime this miserable wretch had perpetrated, he knew not; but that was of little consequence, as the human mind could not conceive a crime, in any degree, warranting such a punishment.—By the manner in which the House received this story, he saw the tale was so horrid, that they could not listen to it without shrinking. Will the House, then, said he, sanction enormities, the bare recital of which was sufficient to make them shudder? Let them remember that humanity consisted not in a squeamish ear. It consisted not in starting or shrinking at such tales as these, but in a disposition of heart to relieve misery, and to prevent the repetition of cruelty. Humanity appertained rather to the mind than to the nerves: and it would prompt men to use real and disinterested endeavours to give happiness to their fellow creatures. Here, in England, such was our indignation at every act of injustice, that a highwayman, a pickpocket, or even a pilferer, was, by law condemned to death; so jealous were we in cases where our own property was concerned! But we permitted to go unpunished crimes committed in consequence of the slave trade, in comparison with which the criminal practices of England were innocence itself. What was the consequence of this? We unsettled the principles of justice in the minds of men,

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and we deprived the legislature of that strong influence which it ought to derive from its known integrity, and from its uniform consistency of conduct. It was as important, therefore, in sound policy, as it was in point of justice and honour, to abolish a trade which discredited our morals and police at home, as well as our national character abroad. For what could any foreigner think, either of our justice or consistency, who should see a man that had picked a pocket going to be hanged for the crime, while all the enormities which had been perpetrated in Africa, and all the other cruelties now in evidence before the House, were known not only to pass off with impunity, but the continuance of them to be permitted by a vote of the British parliament?

It was said, however, that the Africans were less happy at home than in the islands, and that we were therefore justified in carrying them away. But what right had we to be the judges of this, or to force upon them a new condition? "However unhappy in your opinion," they might say to us, "yet we wish for the comforts that surround us, the social relations of life, the liberty of our native, though uncultivated plains; andyou have no right to change, nay, even to better, our condition." But it was ridiculous to plead that we bettered their condition, when we dragged them from every thing that was dear in life, and reduced them to the most abject state of slavery! One argument, indeed, had been used by an hon. alderman, in the way of commercial policy, which, for a subject so grave, was rather too ridiculous. The slave trade, said the hon. alderman, was necessary, on account of the support it gave to our fisheries, for that the Newfoundland trade depended on the slaves for the consumption of a vast quantity of refuse fish, for which there would otherwise be no vent. What was this but to say, that the slave trade must be kept up with all its enormities, in order that there might be persons to eat up the refuse fish which was too bad for any body else to eat!

It had been said, that England ought not to abolish the trade, unless France, Spain, and Holland would also give it up. But, if it was a trade founded in violence and injustice, Great Britain ought to wash her hands of it at any rate; nor was the practice of other countries any thing at all to the question. It was as if a person addicted to felony, but now conscious of his past guilt, should say, "There is a man, now, whom I have an opportunity of robbing on the highway; I am extremely sorry to do it, for I am become fully sensible of the guilt, but I know that if I should not rob him, there is another highwayman, half a mile farther on the road, who certainly will, and thus he will get the man's purse instead of myself." Mere gain was not a motive for a great country to rest on, as a justification of any measure: it was not the first purpose of a well-regulated government: honour was its superior, as much as justice was superior to honour.—With regard to the emancipation of the negroes already in slavery, his own doubts of the efficacy of an act of the British legislature for this purpose was a reason for not entering into it. He himself did not think such a measure could be suddenly ventured upon; and though every man had a right to freedom, yet it should be observed, that men inured to slavery all their lives felt certainly less degraded by it than those who were born to independence. It might be dangerous to give freedom at once to a man used to slavery, on the same ground as in the case of a man who had never seen day-light, there might be danger of blinding him, if you were to expose him all at once to the glare of the sun.—Mr. Fox condemned the arrogance of the notion, that all the inhabitants of Africa had minds inferior to ourselves. How did we know that such was the case? Why might there not be men in Africa of as fine feelings as ourselves, of as enlarged understandings, and as manly in their minds as any of us? He then mentioned the case of an African captain, who heard in the night some violent groanings, which had caused a disturbance in his ship. There was among his slaves one person of considerable consequence, a man once high in military station, with a mind not insensible to the eminence of his rank, who having been taken captive in battle, was sold to the slave ships, and laid promiscuously with the rest. Happening in the night to obtain room to stretch his weary limbs, at rather more ease than usual, he had fallen fast asleep, and he dreamt that he was in his own country, high in honour and in command, caressed by his family and his friends, waited on by his domestics, and surrounded with all his former comforts in life: when, awaking some-

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what suddenly, he found himself fastened down in the hold of a slave ship, and was heard to burst into loud groans and lamentations on the miserable contrast of his present state, mixed with the meanest of his subjects, and subjected to the insolence of wretches, a thousand times lower than himself, in every kind of endowment! Mr. Fox appealed to the House, whether this was not as moving a picture of the miserable effects of the slave trade, as any that could be imagined. There was one way, and it was an extremely good one, by which any man might come to a judgment on these points—let him make the case his own. What, said he, should any one of us, who are members of this House, say, and how should we feel, if conquered and carried away by a tribe as savage as our countrymen on the coast of Africa show themselves to be? How should we brook the same indignities, or bear the same treatment ourselves, which we do not scruple to inflict on them?

Having made this appeal to the feelings of the House, Mr. Fox proceeded to observe, that great stress had been laid on the countenance that was given to slavery by the christian religion. So far was this from being true, that he thought one of the most splendid triumphs of Christianity was, its having caused slavery to be so generally abolished, as soon as ever it appeared in the world. One obvious ground on which it did this, was by teaching us, that in the sight of Heaven all mankind are equal. The same effect might be expected also from the general principles which it taught. Its powerful influence appeared to have done more in this respect than all the ancient systems of philosophy: though even in them, in point of theory, we might trace great liberality and consideration for human rights. Where could be found finer sentiments of liberty, than in the works of Demosthenes and Cicero? Where should we meet with bolder assertions of the rights of mankind, and the dignity of human nature, than in the historians Tacitus and Thucydides? It was remarkable, however, that these great men kept slaves in their houses, and permitted a whole order of slaves to exist in their country. He knew, indeed, that what he had been ascribing to christianity some imputed to the advances which philosophy had made. Each of the two parties took the merit to itself: the divine gave it to religion, the philosopher to philosophy. He should not dispute with either of them; but as both coveted the praise, why should they not emulate each other, in promoting this improvement in the condition of the human race.

Mr. Fox, having drawn his argument on the general question to a conclusion, wished, he said, to give an answer to an hon. baronet over the way (sir A. Edmonstone) who had asked, what was meant to be done by the hon. mover, if the present question for leave to bring in a bill should be carried? Mr. Fox said, that he conceived the intention of the hon. mover undoubtedly was, to bring in a bill for abolishing the slave trade immediately; but that the forms of the House made it necessary that the time should be left in blank, and that the blank might be filled up, by naming any period of one, two, three, or four years, as the House might think expedient; so that there was no reason why the hon. baronet, or any other gentleman, who objected to so immediate an abolition, should not, in this instance, vote with him. Mr. Fox paid some compliments to the hon. gentleman who introduced the motion, saying, that he had fully intended to make a motion, for leave to bring in a bill of the same nature; but that he was extremely happy it had fallen into better hands. He declared, that the whole country, and indeed the whole civilized world, must rejoice that such a bill had been moved for, not merely as a matter of humanity, but as an act of justice, and nothing else, for he would put humanity wholly out of the case. He asked, could it be called humanity to forbear from committing murder? Exactly upon this ground did the present motion stand, being strictly a question of national justice. Mr. Fox observed, that it could not be supposed that he had been induced on the present occasion, to lend his assistance by any personal considerations, and he assured the friends to the abolition, that, in whatever situation he might be placed, his warmest efforts should be used in promoting this great cause.

The question being loudly called for from every part of the House, strangers were ordered to withdraw. The gallery being cleared, and a loud cry kept up for the question. Mr. J. T. Stanley, who had been attempting to speak, sat down, and

Mr. *Pitt* spoke to order. He said, there might be, and he believed there were, some gentlemen who could not an-

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swer it to themselves, to forbear expressing their opinions on so important an occasion as the present. He hoped, therefore, he should not offend any gentleman, by particularly insisting that the bar should be cleared; and that the name of any gentleman who interrupted the House by his voice, should be taken down by the chairman, as the only means of securing to every member that undoubted right which he had of delivering his sentiments.

Mr. *Stanley* said, that he came into the House purposing to vote against the abolition, but that the impression made, both on his understanding and his feelings, was such as he could not resist; and he was now convinced, that the entire abolition of the slave trade was equally called for by sound policy and justice. He thought it right to avow manfully this change in his opinions, in consequence of what he had heard. The abolition, he was sure, could not long fail to be carried; the arguments for it were, indeed, irresistible.

Mr. *Ryder* said, he came to the House, not exactly in the circumstances of the hon. gentleman, but very much undecided on the subject; he, however, was so strongly convinced by the arguments he had heard, that he was become equally earnest for the abolition, and would vote for it with his whole heart and spirit.

Mr. *John Smith* entered his protest in the most solemn manner, against a trade, which he considered as contrary to justice, and most disgraceful to the country.

Sir *W. Young* declared, he was not convinced by any thing that had passed at all to change his opinion; that he thought his own side of the question was the side of true humanity, and he was as conscientiously convinced of it, as it was possible for any man to be.

Mr. *Sumner* declared himself against the immediate and unqualified abolition, which he thought would wound the prejudices of the West Indians, and might do mischief; but a gradual abolition he should much wish to see.

Major *Scott* said, that he had read the evidence with the utmost care, and had heard all that had been said upon it; but in the present alarming state of the finances of this country, he was clearly of opinion that it would be a most dangerous experiment, to risk any part of our foreign commerce. As far as regulation could go, he would heartily join, and was confident that the inquiries had produced many beneficial effects; but a total and immediate abolition of the trade struck him as a very dangerous experiment. Let the trade be regulated, and as population increased in the West Indies, the African trade would abolish itself.

Mr. *Burke* said, that he had, for a long time, had his mind drawn to the slave trade; that he had even prepared some measures for its regulation, conceiving the immediate abolition of it, though highly desirable, to be then hardly a thing which could be hoped for; but when he found the hon. mover was bringing forward the present question, which he approved much more than his own, he had burnt his papers and made an offering of them, in honour of the proposition of the hon. gentleman, much in the same manner as we read that books were offered up and burnt at the approach of the Gospel. He rejoiced at the submission to reason and argument which gentlemen, who came in with minds somewhat prejudiced, had avowed on that day. They thereby told their constituents, as they ought to tell them, that it was impossible for them, if sent to hear discussion in the House of Commons, to avoid surrendering up their hearts and judgments to the cause in question, however they might have been taught beforehand to come prejudiced against it.

Mr. *Drake* came into the House, he said, with an unimpassioned vacancy of head and heart, but with all his might he would oppose the question. We had, by want of temperance and of prudent conduct, lost America. The House should beware of being carried away by the meteors they had been dazzled with. The leaders, it was true, were for the abolition; but the minor orators, the dwarfs, the pigmies, would, he trusted, this day carry the question against them. The property of the West Indians was at stake; and though men might be generous of their own property, they should not be so with the property of others.

Lord *Sheffield* reprobated the overbearing language which had been used by some gentlemen towards others who differed in opinion from them, on a matter of difficulty and much doubt, and said it was not the way to convince him. He protested against a debate in which he could trace nothing like reason, but, on the contrary, downright phrenzy, raised, perhaps by the most extraordinary eloquence; yet he was satisfied he could at any other time demonstrate that the abo-

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lition, as proposed, was impracticable, and that the attempt would be productive of the greatest mischief. He denied the right of the British legislature to pass such a law. He turned to the chancellor of the exchequer, and warned him that the day on which the bill should pass into a law would be the worst he had ever seen. It would hamper him more than his Spanish or Russian war, or a war with all Europe, inasmuch as a civil war was more terrible than all other wars.

Mr. *Milnes* declared, that he adopted all those expressions against the slave trade, which were thought so harsh by the noble lord; and insinuated that the noble lord's opinion had been changed since he became member for Bristol. He quoted a passage from lord Sheffield's pamphlet, and insisted, that the separation of families there complained of by the noble lord, ought to affect his mind as a crying evil in the West Indies, as well as in Africa, and that he ought, on his own grounds, to take the contrary side of the question.

Lord *Sheffield* replied, that he wished the condition of the negroes to be meliorated as much as any man; but it must be done with justice and good sense, and through the medium of the West India assemblies, who alone could carry it into effect.

After a short reply from Mr. Wilberforce, the committee divided: Yeas, 88: Noes, 163. Majority against the abolition, 75. The House adjourned at half past three in the morning.

Debates in the Commons on the Quebec Government Bill.] April 21. The order of the day having been read for the re-commitment of the Quebec Government Bill,

Mr. *Sheridan* said, that as the number of members in the House was far from being considerable, he trusted if the right hon. gentleman really wished that the principle and regulations of the bill should become the subject of discussion, that he would postpone its consideration until a future day. Indeed, the circumstance of his having fixed upon this day, immediately before the holidays, for the re-commitment of the bill, had induced several members to believe that it was not his intention of bringing it on; and they had in consequence absented themselves. There was another reason why the consideration of the bill should be put off. The right hon. gentleman had, indeed, laid information upon the table, but he had not moved that it should be printed: and certainly if he intended that this information should be perused by members, he ought to have made the motion. Mr. Sheridan conceived that it should now be printed, and the holidays would afford members an opportunity of taking it into consideration, so that they might be better prepared to state their opinions. There was still another reason why he considered delay as necessary. It was not till lately, that the very persons had been consulted who were most interested, and best qualified to give information.

Mr. *Pitt* said, that there was no bill which had, perhaps, met with so little opposition, and been so much delayed. It had already gone through a committee, but on the motion of a right hon. gentleman he had again consented that it should be re-committed, so desirous was he that the bill should undergo the fullest discussion. He had yesterday put off the re-commitment, on account of the late debate of the former day, but had given notice of his intention of bringing it on this day. If the attendance was not a full one, he hoped it would not be imputed to him. At the same time, having already consented to so much delay, he must insist that the re-commitment should take place this day. As to the information, it had now been laid a long time upon the table, without any motion having been made for its being printed.

Mr. *Powys* thought it better that the re-commitment should be adjourned.

Mr. *Pitt* said, that if any gentleman on the other side would say that he was not ready for the discussion he would agree to put off the re-commitment.

Mr. *Hussey* wished that the consideration of the bill might be put off, if such delay would not prove injurious to the province.

Mr. *M. A. Taylor* complained that this business had very improperly been treated as involving the consideration of general principles of government, and the constitutions of other countries; on which ground, insinuations had been thrown out against some gentlemen on his side of the House. If such insinuations should again be attempted, he should consider himself entitled to call to order. It was their business, in the present question, to take the constitution of the country, as they found it, and equally to decline all gene-

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ral discussion and particular reference, unconnected with the subject.

Mr. *Fox* took the opportunity of explaining what he had said in the former debate relative to the bill. After lamenting that he had been misunderstood before, he admitted, that in forming a government for a colony, some attention must be paid to the general principles of all governments. In the course of this session, he said, he had taken opportunities of alluding, perhaps too often to the French revolution, and to show whether right or wrong, that his opinion, on the whole was much in its favour: but on this bill he had only introduced one levity, silly enough perhaps, and not worth recollection, that had any relation to the French revolution: he meant an allusion to the extinction of nobility in France, and its revival in Canada. Certainly he had spoken much on the government of the American states, because they were in the neighbourhood of Canada, and were connected with that province. Having then observed that the prudence of concealing his opinions was a quality which his dearest friends had not very often imputed to him, and that he thought the public had a right to the opinions of public men on public measures, he declared, that he never had stated any republican principles, with regard to this country, in or out of parliament; and he said, that when the bill came again to be discussed, from the great respect which he entertained for some of his friends, he should be extremely sorry to differ from them, but he should never be backward in delivering his opinion, and he did not wish to recede from any thing which he had formerly advanced.

Mr. *Powys* complained that the debate had turned irregularly both on retrospect and anticipation, and hinted that Mr. Fox should have imitated the example of Mr. Burke, in writing, rather than speaking there, of the French revolution.

Mr. *Burke* * said, he did not wish to call forth public opinions unnecessarily, or to provoke a debate with the right hon. gentleman, because he was his friend, and so he wished to consider him, but his principles were even dearer to him than his friendship. He did not wish to meet his friend as his adversary and antagonist. If it should so happen that he must defend his principles, he would do it; though it would distress his body and mind to think that he and his friend must have that difference. There was nothing which he could more regret than any difference of opinion; there was nothing which depressed him more. How must he deplore any difference with eloquence so greatly superior to his own, with abilities whose force nothing could resist? Dear, however, as was his friend—desirous as he was to avoid any difference—there was another object still dearer, of which he was still more desirous, the discharge of his duty. He would not provoke the attacks of any man on political subjects: for at that important period, he confessed that no man had suffered more in body and mind than he did, by a difference of opinion from his dearest friends on topics of government. He thought, when he rose before, he had spoken guardedly. He did not know whether any thing which

* "From the moment of the debate on the 15th of April on Mr. Baker's motion relative to the war with Russia, a rupture between Mr. Burke and Mr. Fox was distinctly foreseen. On the morning of the 21st of April, the day appointed for the re-commitment of the Quebec bill, Mr. Fox, for the last time, paid Mr. Burke a visit, accompanied by a common friend. Mr. Burke talked over with them the plan of all which he intended to say, opened the different branches of his argument, and explained the limitations which he meant to impose on himself. Mr. Fox, on his part, treated him with confidence, and mentioned to him a political circumstance of some delicacy. What it precisely was, Mr. Burke declined telling, even in the heat of altercation. But from the tenor of the charge, which he seems most anxious to refute, and, from some intimations in one of Mr. Fox's answers, we may form a reasonable conjecture. The king, it seems, was represented to have used some expressions favourable to Mr. Fox. In order, therefore, to secure himself in his situation, the minister was asserted to have given out the watch-word, that Mr. Fox was by principle a republican, and it was supposed, that, in pursuance of this plan, he instigated Mr. Burke to the discussion. Mr. Burke undeceived his friend, by relating the fact as it was. Still it was requested by Mr. Fox, that at least the discussion might not take place on the recommitment of the Quebec bill; but Mr. Burke was unwilling to forego an opportunity which he could not hope to find again in any other business then before parliament, or likely to come before it. They walked however to Westminster together, and together entered the House, where they found Mr. Sheridan, in the mean time, had moved to postpone the business till after the holidays." Annual Register, 1791.

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he said had occasioned the remarks that had been made. He was pretty sure, Mr. Burke said, that he should never change any part of his political opinion. He had said nothing by way of anticipation. He had said nothing by way of retraction. If any right hon. gentleman called him to order in the subsequent debate, he trusted that he would be anticipated from the chair, which he had no doubt would prevent him from being disorderly. Principles of government, and examples of other governments, were necessary to be alluded to in providing a new government: because it was a material part of every political question, to see how such and such principles had been adopted in other places. His opinions on government, he trusted, were not unknown: the more he had considered the French constitution, the more sorry he was to see it. On the 12th of February he had thought it necessary to speak his opinion very fully on the French revolution; but since that time, he had never mentioned it, either directly or indirectly; no man, therefore, could charge him with having provoked the conversation that had passed. Mr. Burke declared, that he had not been stimulated by any man to take the part he had done; but as he was not likely to alter his opinion on the subject, he thought it right to say, that it was his intention to give his opinion on certain principles of government at the proper moment in the future progress of the bill. Whether they should agree, or disagree, the debate on the bill, whenever it came, would show; but he believed he was most likely to coincide in sentiment with the other side of the House. Mr. Burke said he did not believe his right hon. friend did mean the other night to allude offensively to the affairs of France, though, at the moment, he had thought it necessary to rise and make some observations, which accident prevented; but he declared he would never censure gentlemen for giving their opinions on politics, however different from his own they might be. Should it then happen, which he hoped would not be the case, that he and his right hon. friend differed from each other on principles of government, he desired it to be recollected, that, however dear he considered his friendship, there was something still dearer in his mind—the love of his country. Nor was he stimulated to the assertion by any thing which he had heard from gentlemen on the opposite side of the House; for whatever they knew of his political sentiments, they had learned from him, not he from them.

It was agreed to go into the committee on the 6th of May.

May 6. The House proceeded to the re-commitment of the Quebec Government bill. The chairman took the chair, and began by putting the usual question "That the bill be read paragraph by paragraph?" Upon this,

Mr. *Burke* immediately rose. He said, it might be a question whether the chairman should be directed to leave the chair, or whether the bill should be debated clause by clause. He should therefore speak to the general principle. The House by the bill, was going to do a high and important act, to appoint a legislature for a distant people, and to affirm a legal authority in itself, to exercise this high power. The first consideration then was, the competency or incompetency of the House to do such an act; for if it was not competent, the beneficence of the intention, or the goodness of the constitution they were about to give, would avail nothing. A body of rights, commonly called the rights of man, imported from a neighbouring country, had been lately set up by some persons in this, as paramount to all other rights. A principal article in this new code was "That all men are by nature free, are equal in respect of rights, and continue so in society." If such a doctrine were to be admitted, then the power of the House could extend no farther than to call together all the inhabitants of Canada, and recommend to them the free choice of a constitution for themselves. On what, then, was this House to found its competence? There was another code on which mankind in all ages had acted—the law of of nations; and on this alone he conceived the competence of the House to rest. This country had acquired the power of legislating for Canada by right of conquest: and in virtue of that right, all the rights and duties of the old government had devolved on us. In the second place, came the right by the cession of the old government and in the third, the right of possession, which we had held for about thirty years. All these, according to the law of nations, enabled us to legislate for the people of Canada, and bound us to afford them an equitable government, and them to allegiance.

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Setting aside, then, the doctrine of the rights of man, which was never preached any where without mischief, the House was bound to give to the people of Canada the best government that their local situation and their connexion with this country would admit. How was this to be done? He could not refer to the experience of old governments, for that was exploded by the academies of Paris and the clubs of London, who saw too much by the light of their new lantern to have recourse to any other. The great examples to be considered, were the constitutions of America, of France, and of Great Britain. To that of America great attention, no doubt, was due, because it was of importance that the people of Canada should have nothing to envy in the constitution of a country so near to their own. Situation and circumstances were first to be considered.

Et mihi res, non me rebus, subjungere conor.

They were not to imitate the examples of countries that had disregarded circumstances, torn asunder the bonds of society, and even the ties of nature. In the local situation, was there any thing to give a preference to the American constitution, or in the habits of the people? Part of the province was inhabited chiefly by persons who had migrated from the United States. These men had fled from the blessings of American government, and there was no danger of their going back. There might be many causes of emigration not connected with government, such as a more fertile soil, or more genial climate; but they had forsaken all the advantages of a more fertile soil, and more southern latitude, for the bleak and barren regions of Canada. There was no danger of their being so much shocked by the introduction of the British constitution, as to return.

The people of America had, he believed, formed a constitution as well adapted to their circumstances as they could. But, compared with the French, they had a certain quantity of phlegm, of old English good nature, that fitted them better for a republican government. They had also a republican education; their former internal government was republican, and the principles and vices of it were restrained by the beneficence of an over-ruling monarchy in this country. The formation of their constitution was preceded by a long war, in the course of which, by military discipline, they had learned order, submission to command, and a regard for great men. They had learned what—if it was allowable in so enlightened an age as the present to allude to antiquity—a king of Sparta had said was the great wisdom to be learned in his country; to command and to obey. They were trained to government by war, not by plots, murders, and assassinations. In the next place, they had not the materials of monarchy or aristocracy among them. They did not, however, set up the absurdity, that the nation should govern the nation; that prince prettyman should govern prince prettyman: but formed their government, as nearly as they could, according to the model of the British constitution. Yet he did not say, "give this constitution to a British colony," because, if the bare imitation of the British constitution was so good, why not give them the thing itself? as he who professed to sing like a nightingale, was told by the person to whom he offered his talents, that he could hear the nightingale herself. Hence he thought the greater number of inhabitants of that description, would have no objection to the British constitution; and the British inhabitants were probably not so much corrupted by the clubs of London and the academies of Paris, as to think any form of government preferable to an old one.

The ancient Canadians were next to be considered, and being the most numerous, they were entitled to the greatest attention. Were we to give them the French constitution—a constitution founded on principles diametrically opposite to ours, that could not assimilate with it in a single point; as different from it as wisdom from folly, as vice from virtue, as the most opposite extremes in nature—a constitution founded on what was called the rights of man? But let this constitution be examined by its practical effects in the French West India colonies. These, notwithstanding three disastrous wars, were most happy and flourishing till they heard of the rights of man. As soon as this system arrived among them, Pandora's box, replete with every mortal evil, seemed to fly open, hell itself to yawn, and every demon of mischief to overspread the face of the earth. Blacks rose against whites, whites against blacks, and each against one another in murderous hostility; subordination was destroyed, the bonds of society torn asunder, and every man seemed to thirst for the blood of his neighbour.

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" Black spirits and white,
Blue spirits and gray,
Mingle, mingle, mingle."

All was toil and trouble, discord and blood, from the moment that this doctrine was promulgated among them; and he verily believed, that wherever the rights of man were preached, such ever had been and ever would be the consequences. France, who had generously sent them the precious gift of the rights of man, did not like this image of herself reflected in her child, and sent out a body of troops, well seasoned too with the rights of man, to restore order and obedience. These troops, as soon as they arrived, instructed as they were in the principle of government, felt themselves bound to become parties in the general rebellion, and, like most of their brethren at home, began asserting their rights by cutting off the head of their general. Mr. Burke read the late accounts from St. Domingo, delivered to the national assembly, and added, that by way of equivalent for this information, M. Barnave announced the return of the members of the late colonial assembly to the true principles of the constitution. The members of an assembly no longer in existence had bequeathed their return to the principles of the constitution as their last act and deed as a body, and this was an equivalent for all the horrors occasioned by troops joining in a rebellion which they were sent to quell! Ought this example to induce us to send to our colonies a cargo of the rights of man? As soon would he send them a bale of infected cotton from Marseilles.

If we had so little regard for any of our colonies, as to give them that, for the sake of an experiment, which we would not take to ourselves — if we were for " experimentum in corpore vili," let us think how it would operate at home. Let us consider the effects of the French constitution on France, a constitution on which he looked not with approbation but with horror, as involving every principle to be detested, and pregnant with every consequence to be dreaded and abominated, and the use which they proposed to make of it. They had told us themselves, and the national assembly had boasted, that they would establish a fabric of government which time could not destroy, and the latest posterity would admire. This boast had been echoed by the clubs of this country, the Unitarians, the Revolution-society, the Constitutional-society, and the club of the 14th of July. The assembly had now continued nearly two years in possession of the absolute authority which they usurped; yet they did not appear to have advanced a single step in settling any thing like a government; but to have contented themselves with enjoying the democratic satisfaction of heaping every disgrace on fallen royalty. The constitution must be expected now, if ever, to be nearly complete: to try whether it was good in its effects, he should have recourse to the last accounts of the assembly itself. They had a king such as they wished, a king who was no king; over whom the marquis de la Fayette, chief gaoler of Paris, mounted guard. The royal prisoner having wished to taste the freshness of the country air, had obtained a day rule to take a journey of about five miles from Paris. But scarcely had he left the city, before his suspicious governors, recollecting that a temporary release from confinement might afford him the means of escape, sent a tumultuous rabble after him, who, surrounding his carriage, commanded him to stop, while one of the grenadiers belonging to his faithful and loyal body guard, presented a bayonet to the breast of the fore-horse—

Mr. *Baker* here called Mr. Burke to order. He said he had sat many years in parliament, and no man entertained a higher opinion of the integrity and abilities of the right hon. gentleman than he did. His eloquence was great, and his powers on many occasions, had been irresistible. His abilities might enable him to involve the House in unnecessary altercation: this perhaps the right hon. gentleman might do unwittingly for others, and not to serve any purpose of his own: he himself, perhaps, might be the unwilling instrument, and might involve the country itself in a contest with another nation; he could not, therefore, sit any longer, without calling him to order, and he should insist upon every person adhering to the question, and that the chairman state what the question before the committee was.

The Chairman said, that the question before the committee was, that the clauses of the Quebec bill should be read paragraph by paragraph.

Mr. *Fox* thought his right hon. friend could hardly be said to be out of order. It seemed that this was a day of privilege, when any gentleman might stand up, se-

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lect his mark, and abuse any government he pleased, whether it had reference or not to the point in question. Although no body had said a word on the subject of the French revolution, his right hon. friend had risen up and abused that event. He might have treated the Gentoo government, or that of China, or the government of Turkey, or the laws of Confucius, precisely in the same manner, and with equal appositeness to the question before the House. Every gentleman had a right that day to abuse the government of every country as much as he pleased, and in as gross terms as he thought proper, or any government, either ancient or modern, with his right hon. friend.

Mr. *Burke* replied, that he understood his right hon. friend's irony, but his conclusions were very erroneously drawn from his premises. If he was disorderly, he was sorry for it. His right hon. friend had also accused him of abusing governments in very gross terms. He conceived his right hon. friend meant to abuse him in unqualified terms. He had called him to an account for the decency and propriety of his expressions. Mr. Burke said he had been accused of creating dissention among nations. He never thought the national assembly was imitated so well as in the debate then going on. M. Cazales could never utter a single sentence in that assembly without a roar—

Mr. *M. A. Taylor* spoke to order. He thought the discussion was carried forward to no good purpose. They came to argue the question on the Quebec bill; they were not discussing the English constitution, but whether, in fact, they ought to give the British constitution to Canada; and, if they ought to give it, whether the present bill gave it.

Mr. *Burke* submitted to the committee whether he was or was not in order. The question was, whether the bill was then to be read paragraph by paragraph. It was a fair way in reasoning to see what experiments had been made in other countries. His right hon. friend had said that no body had the least idea of borrowing any thing of the French revolution in the bill. How did his right hon. friend know that? If it was determined that he should be stopped, why was he not stopped in the beginning, and before he had declared the French revolution to be the work of folly and not of wisdom, of vice and not of virtue? If the committee permitted him to go on, he should endeavour to meet the most captious ideas of order. He declared he would not suffer friend nor foe to come between his assertion and his argument, and thereby to make him a railer. His hon. friend who had called him to order, had said that, although he did not do it to serve any purpose of his own, he was probably, though unwittingly, the instrument of other people's folly. He declared, he had not brought forward this business from any views of his own. If the House did not suffer the affair to be discussed, if they showed a reluctance to it——

Mr. *St. John* called Mr. Burke to order. He really asked it as a favour of his right hon. friend, that he would fix a day on which he would bring on the discussion of the French constitution. He said he knew the English constitution; he admired it; he daily felt the blessings of it. He should be extremely sorry if any person in England should endeavour to persuade any man, or body of men to alter the constitution of the country. If his right hon. friend felt the mischiefs of the French constitution as applicable to the English constitution, let him appoint a day for that discussion.

Mr. *Martin* was of opinion that Mr. Burke was not irregular in speaking of the French constitution. He had formerly heard a right hon. gentleman say, that the public had a right to the sentiments of public men on public measures, and therefore he hoped the right hon. gentleman would be permitted to go on.

Mr. *Burke* said, he meant to take the sense of the committee, whether or not he was in order. He declared he had not made any reflection, nor did he mean any, on any one gentleman whatever. He was as fully convinced as he could be, that no one gentleman in that House wanted to alter the constitution of England. The reason why, on the first regular opportunity that presented itself, he had been anxious to offer his reflections on the subject, was, because it was a matter of great public concern, and occasion called for his observations. As long as they held to the constitution he should think it his duty to act with them; but he would not be the slave of any whim that might arise. On the contrary, he thought it his duty not to give any countenance to certain doctrines which were supposed to exist in this country, and which were intended fundamentally to subvert the constitution. They ought to consider well what they

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were doing. [Here there was a loud cry of Order! Order! and Go on! Go on!] Mr. Burke said, there was such an enthusiasm for order that it was not easy to go on, but he was going to state what the result of the French constitution perfected was, and to show that we ought not to adopt the principles of it. He might be asked, why state it, when no man meant to alter the English constitution? Why raise animosities, where none existed? and why endeavour to stir up passions where all was quiet before? He confessed a thing might be orderly, and yet that it might be very improper to discuss it. Was there any reason for doing this, or did they think the country was in danger? He declared he was ready to answer that question. He was perfectly convinced that there was no immediate danger. He believed the body of the country was perfectly sound, although attempts were made to take the constitution from their heads by absurd theories. He firmly believed the English constitution was enthroned in the affections of their bosoms; that they cherished it as a part of their nature; and that it was inseparable from Englishmen, as their souls and their bodies. Some ministers and others had, at times, apprehended danger, even from a minority; and history had shown that in this way a constitution had been overturned. The question, he said, would be, what had they to do with the French constitution? They had no right to have recourse to the proceedings of the national assembly, because the government of this country had not yet recognized it. If they had, they would silence him. If the French revolutionists were to mind their own affairs, and had shown no inclination to go abroad and to make proselytes in other countries, Mr. Burke declared, that neither he nor any other member of the House had any right to meddle with them. If they were not as much disposed to gain proselytes as Louis 14th had been to make conquests, he should have thought it very improper and indiscreet to have touched on the subject. He said he would quote the national assembly itself, and a correspondent of his at Paris who had declared he appeared as the ambassador of the whole human race—

Mr. *Anstruther* spoke to order. He said, his right hon. friend had transgressed what he looked upon to be the bounds of order in that House. It was a rule of order for members to confine themselves to the question in debate. When he stated this, he begged it to be understood that if any minority in the country had any intentions to alter the constitution, there was no man more ready to take strong and decided measures to check that minority, and to crush that spirit than he should be—

Colonel *Phipps* called Mr. Anstruther to order, and said, that a declaration of his attachment to the constitution, or of his gallantry in defence of it, was as much out of order as the right hon. gentleman was, whom he was calling to order.

Mr. *Anstruther* said, if the hon. gentleman had condescended to hear him out, before he had called him to order, he would have saved himself some trouble. That hon. gentleman would recollect, that he had heard of a design in this country to overturn the constitution. If such a design really existed, it was the duty of the right hon. gentleman who had stated it, to bring forward some specific measure on the subject. It was disorderly in the right hon. gentleman to thrust that into a debate on the Quebec bill.

Mr. *Burke* said, that an objection had been taken against arguing the business on the ground, that although it might be in order, yet the discussion of it might be attended with mischievous consequences. If some good were not to be obtained by it, he admitted it might be censurable to argue it, and prudence he owned was a very useful quality. He said he had formerly observed in the course of this most irregular debate, that the body of the country was untainted, and that the government was yet untainted with this French malady. The House smiled at the expression, and Mr. Burke observed, that there might be some allusion which might not be so proper. He hoped there was a very small minority indeed out of doors, who were disaffected with the English constitution, and who wished to put the country out of love with it, by endeavouring to fill them with admiration for another. He was asked, why he did not come forward with this business as a distinct subject? Before he did that, it would be proper first to know what support he was likely to have. He must know how government stood affected to the business, and also how the other side of the House liked it. He had sat six and twenty years in that House, and had never called any man to order in his life. This

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being a question of prudence, he thought it was the part of a wise man and good citizen rather to discountenance the measure, and to admonish those who might entertain such designs of their danger, than to come immediately to the knife. He knew there was a levity natural to mankind; but when they were alarmed, they might recollect themselves, and correct those things which he should be sorry if the law were to correct for them.

Here there was a loud cry of "Chair, chair!" and of "Hear, hear!" and Mr. Anstruther spoke again to order.

Colonel *Phipps* immediately called Mr. Anstruther to order, conceiving that the right hon. gentleman was not out of order, in as much as he had a right to introduce into the debate every topic that was at all applicable to the question.

Mr. *Fox* said, he still entertained the opinion that he had stated originally, and he had before spoken seriously and not ironically. He thought his right hon. friend had a right to enter into the constitution of France, because he had a right to enter into the constitution of Turkey, or into that of the Gentoo government, upon just the same principle. But it had been usual when persons had gone into a question, to state which side of a question they meant to maintain. He confessed he did not know to what side of the question to apply what had been said. He did not know whether his right hon. friend was for or against reading the clauses paragraph by paragraph.

Mr. *Grey* said, it was certainly true that when a government was to be provided, any member, strictly speaking, had a right to support any form of government, or to show the evil tendency of a system which had been recommended by others. Yet he thought his right hon. friend had precluded himself from that, by stating the view and purpose for which he brought forward that measure. He had said he did not believe there was a man in that House who wished to alter the constitution. Upon what principle, then, was it necessary to go into the French constitution?—because the right hon. gentleman knew a design existed some where to overturn the fundamental principles of our constitution. The right hon. gentleman had repeatedly declared, that he knew such a design existed. Now, if this was his ground, he appealed to the right hon. gentleman himself, and the committee, whether the present was a fit moment for such a discussion? It was a duty which that right hon. gentleman owed to his country, to discover the design: and if any person was more called upon than another, to wish that the discussion should be seriously taken up, it was the right hon. gentleman opposite (Mr. Pitt), who was bound to watch over the interests of the country, and to take care that no such design should be carried into effect, and therefore Mr. Grey hoped that the right hon. gentleman would unite with him in requesting his right hon. friend to drop this business on the Quebec bill, and to make a direct charge.

Mr. *Pitt* said, that whenever any member conceived the right hon. gentleman was out of order, they got up and interrupted him. The only way to bring this to a point would be to move, that it was disorderly for him to advert to the French constitution in the present debate. He himself could not interrupt him, unless he was convinced he was out of order.

Mr. *Burke* again submitted to the committee, whether he was orderly or not. When he spoke of a design that was formed in this country against the constitution, he spoke with all the simplicity of a member of parliament. He did not imagine there were any plots, but he had a knowledge and conviction of them. He complained that his friends had not used him with candour. If they reluctantly forced him to take a regular day, he should certainly do it.

Mr. *St. John* called Mr. Burke to order a second time, and said, he should think it necessary to take the opinion of the House on his conduct.

Mr. *Burke* said, an attempt was now made, by one who had been formerly his friend, to bring down upon him the censure of the House. It was unfortunate, he said, for him, sometimes to be hunted by one party, and sometimes by another. He considered himself to be unfairly treated by those gentlemen with whom he had been accustomed to act, but from whom he now received extreme violence. He should, he said, if the tumult of order abated, proceed in the account he was going to give of the horrible consequences flowing from the French idea of the rights of man—

Lord *Sheffield* spoke to order. He said he was convinced that the right hon. gentleman was disorderly, and would move, "That dissertations on the French constitution, and to read a narrative of

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the transactions in France, are not regular or orderly on the question, that the clauses of the Quebec bill be read a second time, paragraph by paragraph."

Mr. *Pitt* begged leave to observe, that the question of discretion, and the question of order, ought to be kept perfectly distinct. Undoubtedly if he were to state the line in which they were to argue the general question, he should have wished to abstain from all allusions to the constitution of France, and for many reasons. Whatever he might feel for himself, he must beg leave to be understood, to do complete justice to the motives of the right hon. gentleman (Mr. Burke) which he could trace to no other source than a pure regard to the constitution of this country. But as to the motion in the hands of the chairman, as to the question of order, when they were considering what was the best constitution for the province of Canada, or for any other of the dependencies of Great Britain, it was strictly in order to allude to the constitution of other countries. When they were laying down a new system of government for one of their colonies, there was no form of government which, in his apprehension, it was not competent to discuss. When they were laying down a government for Americans, for Frenchmen, and for Englishmen, which was the description of inhabitants who composed the province of Canada, how could it be out of order, to allude to the American, the French, and the English constitutions. The right hon. gentleman was entitled to refer to the principles of those governments, or to any other principles of government. If any gentleman wished to have the principles of the French or American constitutions introduced into this bill, he might move that the chairman leave the chair, as the bill, in its present form, could not be altered so as to suit the constitutions of these countries. On the other hand, members who were advocates for the British constitution, might move that the bill should be read clause by clause. He wished either that the debate should stop altogether, or that it should go on with order and regularity.

Mr. *Fox* said, he was sincerely sorry to feel that he must support the motion, and the more so, as his right hon. friend had made it necessary, by bringing on, in so irregular a manner, a discussion of a matter by no means connected with the Quebec bill—in a manner which he could not help thinking extremely unfair, but which he must consider as a direct injustice to him. If the argument of the right hon. gentleman over the way, with regard to order, was to obtain, it was a mode of order that would go to stop every proceeding of that House, especially in committees. It was proper to debate the principle of a bill on the second reading of it; and in referring to matter that might be analogous, much latitude would be required. The Quebec bill had been read a second time, and was decided. If gentlemen, therefore, when a bill was in a committee, would come down and state in long speeches, general answers to all possible objections, to clauses that might be proposed, but were never meant to be proposed, debates might be drawn to any imaginable length, and the business of the House suspended at the pleasure of any one of its members. Order and discretion in debate, had been said to be distinct; with him, they never should be separate. Where the distinction lay he could not see, for he always conceived that order was founded on discretion. He was not in the habit of interrupting any gentleman on the point of order; because, unless the deviation from it was strong indeed, more time was often lost by calling to order, than by suffering gentlemen to proceed. But if he saw any discussion attempted to be introduced in a way not merely irregular, but unfair, he felt himself obliged to endeavour to stop it.—Much had been said on the present occasion, of the danger of theory and the safety of practice. Now, what had been the conduct of the gentleman who looked on theory with such abhorrence? Not to enter into a practical discussion of the bill clause by clause, and to examine whether it gave what it professed to give, the British constitution to Canada, but having neglected to have done his duty, and attended the proper stage of debating the principle, to enter into a theoretical inquiry of what the principle ought to be, and a discussion of the constitution of another country, respecting which it was possible that he might differ from him. If this was not manifest eagerness to seek a difference of opinion, and anxiety to discover a cause of dispute, he knew not what was; since if they came to the clauses of the bill, he did not think there would be any difference of opinion, or at most but a very trifling one. If his right hon. friend's object had been to debate the Quebec

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bill, he would have debated it clause by clause, according to the established practice of the House. If his object had been to prevent danger apprehended to the British constitution, from the opinions of any man, or any set of men, he would have given notice of a particular day for that particular purpose, or taken any other occasion of doing it, rather than that on which his nearest and dearest friend had been grossly misrepresented and traduced. That at least was the course which he should himself have taken and was therefore what he naturally expected from another.

The course which his right hon. friend had chosen to take was that which seemed to confirm the insinuation urged against him—that of having maintained republican principles as applicable to the British constitution, in a former debate on the bill. No such argument had ever been urged by him, nor any from which such an inference was fairly deducible. On the French revolution he did, indeed, differ from his right hon. friend. Their opinions, he had no scruple to say, were wide as the poles asunder. But, what had a difference of opinion on that, which to the House was only matter of theoretical contemplation, to do with the discussion of a practical point, on which no such difference existed? On that revolution, he adhered to his opinion, and never would retract one syllable of what he had said. He repeated, that he thought it, on the whole, one of the most glorious events in the history of mankind. But, when he had on a former occasion mentioned France, he had mentioned the revolution only, and not the constitution; the latter remained to be improved by experience, and accommodated to circumstances. The arbitrary system of government was done away: the new one had the good of the people for its object, and this was the point on which he rested. This opinion, Mr. Fox said, he wished the time might come to debate, if opinions of his were again to be made the subject of parliamentary discussion. He had no concealment of his opinions; but if any thing could make him shy of such a discussion, it would be the fixing a day to catechize him respecting his political creed, and respecting opinions on which the House was neither going to act, nor called upon to act at all. He had been thus catechized in 1782, when a right hon. gentleman (Mr. Dundas) in the last stage of then administration, had said, "Admitting this administration to be bad, where are you to find a better? Will you admit men into power, who say, that the representation of the people is inadequate, and whose principles would overturn the constitution?" On that occasion, he had found an able defender in a right hon. gentleman (Mr. Pitt), whom he could not expect to be his defender that day; but who had in 1782 demanded, in manly and energetic tones, "if the House would bear to be told, that the country was incapable of furnishing an administration more worthy of trust than that whose misconduct was admitted even by its advocates?" He might now have looked for a defender to another quarter, to the bench on which he sat, and been as much disappointed. Yet the catechizer on that occasion had soon after joined another ministry, and supported that very reform of the representation which he then deprecated as more dangerous to the constitution and the country, than all the misfortunes of that administration! Were he to differ from his right hon. friend on points of history, on the constitution of Athens or of Rome, was it necessary that the difference should be discussed in that House? Were he to praise the conduct of the elder Brutus, and to say that the expulsion of the Tarquins was a noble and patriotic act, would it thence be fair to argue that he meditated the establishment of a consular government in this country? Were he to repeat the eloquent eulogium of Cicero on the taking off of Cæsar, would it thence be deducible, that he went with a knife about him for the purpose of killing some great man or orator? Let those who said, that to admire was to wish to imitate, show that there was some similarity of circumstances. It lay on his right hon. friend to show that this country was in the precise situation of France at the time of the French revolution, before he had a right to meet his argument; and then, with all the obloquy that might be heaped on the declaration, he should be ready to say, that the French revolution was an object of imitation for this country.

Instead of seeking for differences of opinion on topics entirely topics of speculation, let them come to matter of fact, and of practical application; let them come to the discussion of the bill before them, and see whether his objections to it were republican, and in what he should differ.

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from his right hon. friend. He had been warned by high and most respectable authorities, that minute discussion of great events, without information, did no honour to the pen that wrote, or the tongue that spoke the words. If the committee should decide that his right hon. friend should pursue his argument on the French constitution, he would leave the House: and if some friend would send him word, when the clauses of the Quebec bill were to be discussed, he would return and debate them. And when he said this, he said it from no unwillingness to listen to his right hon. friend: he always had heard him with pleasure, but not where no practical use could result from his argument. When the proper period for discussion came, feeble as his powers were, compared with those of his right hon. friend, whom he must call his master, for he had taught him every thing he knew in politics (as he had declared on a former occasion, and he meant no compliment when he said so), yet, feeble as his powers comparatively were, he should be ready to maintain the principles he had asserted, even against his right hon. friend's superior eloquence —to maintain, that the rights of man, which his right hon. friend had ridiculed as chimerical and visionary, were in fact the basis and foundation of every rational constitution, and even of the British constitution itself, as our statute-book proved: since, if he knew any thing of the original compact between the people of England and its government, as stated in that volume, it was a recognition of the original inherent rights of the people as men, which no prescription could supersede, no accident remove or obliterate.

If such were principles dangerous to the constitution, they were the principles of his right hon. friend, from whom he had learned them. During the American war they had together rejoiced at the successes of a Washington, and sympathized almost in tears for the fall of a Montgomery. From his right hon. friend he had learned, that the revolt of a whole people could never be countenanced and encouraged, but must have been provoked. Such had at that time been the doctrine of his right hon. friend, who had said with equal energy and emphasis, that he could not draw a bill of indictment against a whole people. Mr. Fox declared he was sorry to find that his right hon. friend had since learnt to draw such a bill of indictment, and to crowd it with all the technical epithets which disgraced our statute-book, such as false, malicious, wicked, by the instigation of the devil not having the fear of God before your eyes and so forth. Having been taught by his right hon. friend, that no revolt of a nation was caused without provocation, he could not help feeling a joy ever since the constitution of France became founded on the rights of man, on which the British constitution itself was founded. To deny it, was neither more nor less than to libel the British constitution; and no book his right hon. friend could cite, no words he might deliver in debate, however ingenious, eloquent and able—as all his writings and all his speeches undoubtedly were—could induce him to change or abandon that opinion; he differed upon that subject with his right hon. friend *toto cælo*.—Having proceeded thus far, Mr. Fox declared he had said more than he had intended, possibly much more than was either wise or proper; but it was a common error arising from his earnestness to be clearly understood; but if his sentiments could serve the other side of the House, which had countenanced the discussion of that day, apparently in order to get at them, they had acted unnecessarily. They might be sure of him and his sentiments on every subject, without forcing on any thing like a difference between him and his right hon. friend; and having once heard them, they might act upon them as they thought proper.

Mr. *Burke* commenced his reply in a grave and governed tone of voice, observing that although he had himself been called to order so many times, he had sat with perfect composure, and had heard the most disorderly speech that perhaps ever was delivered in that House. He had not pursued the conduct of which an example had been set him, but had heard without the least interruption, that speech out to the end, irregular and disorderly as it had been. His words and his conduct throughout had been misrepresented, and a personal attack had been made upon him from a quarter he never could have expected, after a friendship and an intimacy of more than two-and-twenty years; and not only his public conduct, words, and writings, had been alluded to in the severest terms, but confidential conversations and private opinions had been brought forward, with a view of proving that he acted inconsistently; and now a motion was introduced, which hin-

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dered him, in a great measure, from having an opportunity to ascertain, by facts, what he had stated as opinions. He could not help thinking, that on the subject of the French revolution, he had met with great unfairness from the right hon. gentleman, who had accused him of speaking rashly, without information, and unsupported by facts to bear out his deductions, and that he had been treated in a manner that did little justice to his feelings, and had little appearance of decency on the part of the right hon. gentleman. However, when and as often as this subject came to be discussed fairly, and facts that he was in possession of were allowed to be brought forward, he was ready to meet the right hon. gentleman hand to hand, and foot to foot upon it. Much had been said against proceeding without good information. He was ready to state his proofs for all the facts he had alleged, to which public proof was at all applicable; there were, indeed, a few particulars on which he did not choose to take issue; because, in the present state of things in the happy country of France, he might subject his relators to the fashionable summary justice of the *lanterne*. Under a very few reserves of that kind, he was ready to enter into the discussion concerning the facts in that book, whenever he pleased. He might possibly have fallen into minute and trivial mistakes, but he was sure he was substantially right in every substantial matter of fact. Of the truth of the few matters on which he must decline offering proof, he pledged himself, upon his honour, that he had sufficient to satisfy a sober and considerate judgment.

But this, it seemed, was not the cause of quarrel; it was not because this authority or that example were mentioned; but he was accused of misrepresenting what the right hon. gentleman had said on a former day, when he owned he was not present, and which he disavowed in the most positive terms. He denied any reference to that, or to any other speech of the right hon. gentleman, and contended that he had argued on this, as he wished to do on every other occasion, in a candid, plain, and simple manner. With regard to the subject which he meant to introduce in the committee on the Quebec bill the right hon. gentleman was no stranger to the grounds he meant to go upon. He had opened to him very particularly the plan of his speech; how far he meant to go; and what limits he proposed to put upon himself. His reasons for forming those opinions, he had mentioned in the fullest and most particular manner to his right hon. friend at his own house, and had walked from thence to that House with him conversing all the time on the subject. The right hon. gentleman had then entirely disagreed with him upon it, but they had no quarrel upon it, and what the right hon. gentleman had said upon the subject, he did not now wish to state. He could not, however, be persuaded, from what the right hon. gentleman had urged, to give up his purpose of stating to the House, upon this occasion, his mind with regard to the French constitution, and the facts which led him to think as he did; and certainly in this he thought there could be nothing disorderly, especially when so much had been already introduced, not about the constitution of Quebec, but about the American constitution. He had asserted, that dangerous doctrines were encouraged in this country, and that dreadful consequences might ensue from them, which it was his sole wish and ambition to avert, by strenuously supporting the constitution of Great Britain as it is, which, in his mind, could better be done by preventing impending danger, than by any remedy that could afterwards be applied: and he thought himself justified in saying this, because he did know that there were people in this country avowedly endeavouring to disorder its constitution, and government, and that in a very bold manner.

The practice now was, upon all occasions, to praise, in the highest strain, the French constitution: some indeed qualified their argument so far, by praising only the French revolution: but in that he could see no difference, as the French constitution, if they had any, was the consequence and effect of that revolution. So fond were gentlemen of this favourite topic, that whoever disapproved of the anarchy and confusion that had taken place in France, or could not foresee the benefits that were to arise out of it, were stigmatised as enemies to liberty, and to the British constitution, — charges that were false, unfounded, misapplied, and every way unfair. Doctrines of this kind, he thought, were extremely dangerous at all times, and much more so, if they were to be sanctioned by so great a name as that of the right hon. gentleman, who always put whatever he said in the strongest and

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most forcible view in which it could possibly appear. Thus, it had become common to set the French constitution up against the English constitution, upon all occasions, when the comparison could be introduced; and then, he insisted, if the former was praised, the latter must be proportionably depreciated. Here again he reverted to what he had been told had passed on a former day, when the right hon. gentleman had taken fire when the French constitution was mentioned, and had termed it the most glorious and stupendous fabric that ever was reared by human wisdom.

He still insisted, that the discussion of the Quebec bill was a proper opportunity, after what had been said, for entering upon a true and minute comparison of the French constitution with that of England, though the disorderly rage for order that prevailed that day, seemed to be adopted for the purpose of precluding every fair or proper discussion. He had that day been accused, among other breaches of friendship towards the right hon. gentleman, of having provoked this discussion, for the purpose of giving an advantage to the right hon. gentleman's enemies—a principle of action that he utterly disclaimed, and never thought that any fair or candid man could have brought against him. However, if any could have supposed so before what they had heard from the opposite side of the House, this day must convince them of the contrary. In what he had repeatedly said and written concerning the French revolution, he had been accused of stating his opinions rashly and without foundation, a charge which he was certainly anxious and able to refute, if he had been allowed; and at the very time when he was going to produce facts in support of what he had asserted, blended partly with private information and respectable authorities, though he perhaps might have gone greater lengths than he wished, by disclosing communications which he ought to conceal, yet being so particularly called upon, he would have done it: at this very moment he was stopped in the most unfair, and (notwithstanding the rage for order) the most disorderly manner; and, but for this extraordinary conduct, he would have proved that the issue of the French constitution, or revolution, whichever they liked to call it, could never serve the cause of liberty, but would inevitably promote tyranny, anarchy, and confusion.

After what had been said, nobody could impute to him interested or personal motives for his conduct. Those with whom he had been constantly in habits of friendship and agreement were all against him, and from the other side of the House he was not likely to have much support; yet all he did, was no more than his duty. It was a struggle, not to support any man, or set of men, but a struggle to support the British constitution, in doing which he had incurred the displeasure of all about him, and those opposite to him; and, what was worst of all, he had induced the right hon. gentleman to rip up the whole course and tenor of his life, public and private, and that not without a considerable degree of asperity. His failings and imperfections had been keenly exposed, and, in short, without the chance of gaining one new friend, he had made enemies, it appeared malignant enemies, of his old friends; but, after all, he esteemed his duty far beyond any friendship, any fame, or any other consideration whatever. He had stated the danger which the British constitution was daily in, from the doctrines and conduct of particular persons; however, as neither side of the House supported him in this, but as both sides thought otherwise, he would not press that point upon them now in any stronger way than he had done; but he would still aver, that no assistance which could either be given or refused to him, would ever bias him against the excellence of the British constitution; nor lead him to think well of the French revolution, or the constitution, as it was named, that was formed in its place.

The right hon. gentleman in the speech he had just made, had treated him in every sentence with uncommon harshness. In the first place, after being fatigued with skirmishes of order, which were wonderfully managed by his light troops, the right hon. gentleman brought down the whole strength and heavy artillery of his own judgment, eloquence, and abilities, upon him, to crush him at once, by declaring a censure upon his whole life, conduct, and opinions. Notwithstanding this great and serious, though, on his part, unmerited attack and attempt to crush him, he would not be dismayed; he was not yet afraid to state his sentiments in that House, or any where else, and he would tell all the world that the constitution was in danger. And here he must, in the most solemn manner, express his disapprobation of

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what was notorious to the country and to the world. Were there not clubs in every quarter, who met and voted resolutions of an alarming tendency? Did they not correspond, not only with each other in every part of the kingdom, but with foreign countries? Did they not preach in their pulpits doctrines that were dangerous, and celebrate at their anniversary meetings, proceedings incompatible with the spirit of the British constitution? Admitting these things to be true—and he believed no one would say his assertions were ill-founded—would they hesitate a moment to pronounce such transactions dangerous to the constitution, and extremely mischievous in their nature? In addition to these, were not infamous libels against the constitution circulated every where at a considerable expense? The malignity with which the right hon. gentleman had spoken of his sentiments, with regard to government, and the charge he had brought against him of inconsistency in his political life and opinions, were neither fair nor true; for he denied that he ever entertained any ideas of government, different from those which he now entertained, and had upon many occasions stated. He laid it down as a maxim, that monarchy was the basis of all good government and the nearer to monarchy any government approached, the more perfect it was, and *vice versa*; and he certainly in his wildest moments, never had so far forgotten the nature of government, as to argue that we ought to wish for a constitution that we could alter at pleasure, and change like a dirty shirt. He was by no means anxious for a monarchy with a dash of republicanism to correct it. But the French constitution was the exact opposite of the English in every thing, and nothing could be so dangerous as to set it up to the view of the English, to mislead and debauch their minds. In carrying on the attack against him, the right hon. gentleman had been supported by a corps of well-disciplined troops, expert in their manœuvres, and obedient to the word of their commander. * [Mr. Grey here called Mr. Burke to order, conceiving that it was disorderly to mention gentlemen in that way, and to ascribe improper motives to them.]

Mr. Burke declared he would not apologize, and went on. He said he had already stated, that he believed those who entertained doctrines which he dreaded as dangerous to the constitution, to be a very small number indeed. But if the spirit was suffered to ferment, who could tell what might happen? Let it be remembered, that there were 300,000 men in arms in France, who at a favourable moment might be ready to assist that spirit; and though there might be no immediate danger threatening the British constitution, yet a time of scarcity and tumult might come, and in such a case it was certainly safer and wiser to prevent the consequences, than to remedy the evil. He recurred to the events of the year 1780, and mentioned the dreadful consequences of the riots occasioned by lord George Gordon. Had he at that time cautioned the House to beware of the Protestant Association, and other caballing meetings, he supposed his cautions would have been treated in the same way as those he offered now; but he trusted no person would wish again to see such destruction and disorder—the houses of some of the greatest and best men that ever adorned the country, the marquis of Rockingham and sir George Saville, beset by the mob, and obliged to be defended by armed force; they surely could not desire again to behold camps in all our squares, and garrisons in our palaces. As to the present state of this country, the king was in full possession of all his functions, his ministers were responsible for all their conduct; the country was blessed with an opposition of strong force; and the common people were united with the gentlemen in a column of prudence. From all which he argued, that the present was the moment for crushing this diabolical spirit, and that the slightest attempt to subvert the principles of the constitution ought to be watched with the greatest

* "It is probable that a little incident which happened in the course of Mr. Burke's reply contributed to draw from him the expressions considered as disorderly by Mr. Grey. In his speech Mr. Fox had intimated an intention of leaving the House, if the committee should suffer Mr. Burke to proceed. While the latter gentleman was speaking, the former, being perhaps now resolved on a rejoinder, accidentally went towards the lobby for some trifling refreshment, with which he soon after returned to his place. But in the mean time about twenty or thirty gentlemen, of those most personally attached to him, mistaking his departure for the execution of his declared intention, rose from their seats, and followed him out of the House." Annual Register for 1791.

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jealousy and circumspection. When he spoke of our constitution as valuable, he said he spoke of the whole complete, and not of any particular and predominant part: and therefore he thought it wiser to be prepared for any attack that might be made upon it, than to trust that we could preserve it after the attack was made.

Having dwelt for some time upon this point, he next recapitulated the political questions upon which he had differed with the right hon. gentleman upon former occasions, particularly the several attempts that had been made for a parliamentary reform, the dissenters bill, and the royal marriage act. There might perhaps, be other instances; but in the course of their long acquaintance, no one difference of opinion had ever before for a single moment interrupted their friendship. It certainly was indiscretion, at any period, but especially at his time of life, to provoke enemies, or give his friends occasion to desert him; yet if his firm and steady adherence to the British constitution placed him in such a dilemma, he would risk all; and, as public duty and public prudence taught him, with his last words exclaim, "Fly from the French constitution." [Mr. Fox here whispered, that "there was no loss of friends"]. Mr. Burke said Yes, there was a loss of friends—he knew the price of his conduct—he had done his duty at the price of his friend—their friendship was at an end. He had been told, that it was much better to defend the English constitution, by praising its own excellence, than by abusing other constitutions, and certainly the task of praising was much more pleasant than that of abusing; but he contended, that the only fair way of arguing the merits of any constitution, was by comparing it with others, and he could not speak with propriety of the excellence of the English constitution, without comparing it with the deformity and injustice of the French, which was the shade that brought its colours forward in the brightest point of view; and to omit to do it, would be like presenting a picture without a shade.

Before he sat down, he earnestly warned the two right hon. gentlemen who were the great rivals in that House, that whether they hereafter moved in the political hemisphere as two flaming meteors, or walked together like brethren hand in hand, to preserve and cherish the British constitution, to guard against innovation, and to save it from the danger of those new theories. In a rapturous apostrophe to the infinite and unspeakable power of the Deity, who, with his arm, hurled a comet like a projectile out of its course—who enabled it to endure the sun's heat, and the pitchy darkness of the chilly night; he said, that to the Deity must be left the task of infinite perfection, while to us poor, weak, incapable mortals, there was no rule of conduct so safe as experience. He concluded with moving an amendment, that all the words of the motion, after "Dissertations on the French constitution," should be omitted, and the following be inserted in their room—"tending to show that examples may be drawn therefrom; and to prove that they are insufficient for any good purposes, and that they lead to anarchy and confusion, and are consequently unfit to be introduced into schemes of government, and improper to be referred to on a motion for reading the Quebec bill paragraph by paragraph."*

Mr. *Fox* rose to reply; but his mind was so much agitated, and his heart so much affected by what had fallen from Mr. Burke, that it was some minutes before he could proceed. Tears trickled down his cheeks, and he strove in vain to give utterance to feelings that dignified and exalted his nature. The sensibility of every member in the House appeared uncommonly excited upon the occasion. Recovered at length from the depression under which he had risen, Mr. Fox proceeded to answer the assertions which had caused it. He said, that however events might have altered the mind of his right hon. friend, for so he must call him notwithstanding what had passed,—because, grating as it was to any man to be

* In the course of the above speech, Mr. Burke having said that Mr. Fox had of late years forborne that friendly intercourse with him, by visits, &c. which he had formerly preserved, the latter, in reply, said, that the omission complained of was purely accidental; that men, at different periods, fell into different habits; and without any intentional neglect, it frequently happened that they did not see their friends so often as they might have done in preceding years; but at the same time, that their friendship was as warm and sincere as ever. Mr. Burke likewise, while in one of the parts of it, where he was reasoning with great warmth, checked himself, and addressing himself to the chair, said, "I am not mad, most noble Festus, but speak the words of truth and soberness."

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unkindly treated by those who were under obligations to him, it was still more grating and painful to be unkindly treated by those to whom they felt the greatest obligations, and whom, notwithstanding their harshness and severity, they found they must still love and esteem—he could not forget, that when a boy almost, he had been in the habit of receiving favours from his right hon. friend, that their friendship had grown with their years, and that it had continued for upwards of five-and-twenty years, for the last twenty of which they had acted together, and lived on terms of the most familiar intimacy. He hoped, therefore, that notwithstanding what had happened that day, his right hon. friend would think on past times, and, however any imprudent words or intemperance of his might have offended him, it would show that it had not been at least intentionally his fault. His right hon. friend had said, and said truly, that they had differed formerly on many subjects, and yet it did not interrupt their friendship. Let his right hon. friend speak fairly and say, whether they could not differ, without an interruption of their friendship, on the subject of the French revolution, as well as on any of their former subjects of difference. He enumerated, severally, what those differences of opinion had been, and appealed to his right hon. friend, whether their friendship had been interrupted on any one of those occasions. In particular, he said, on the subject of the French revolution, the right hon. gentleman well knew that his sentiments differed widely from his own; he knew also, that as soon as his book on the subject was published, he condemned that book both in public and private, and every one of the doctrines it contained.

Mr. Fox again said, that he could not help feeling that his right hon. friend's conduct appeared as if it sprung from an intention to injure him, at least it had produced that effect, for the right hon. gentleman opposite to him had chosen to talk of republican principles as principles which he wished to be introduced into the new constitution of Canada, whereas his principles were very far from republican. If, therefore, his right hon. friend had thought it necessary to state to the House his sentiments on the French revolution, he might have done it on any other occasion, with less injury to him, than on the Quebec bill, because his doing it then, confirmed and gave weight to the misrepresentation of the right hon. gentleman opposite to him, and not only that, it put it out of his power to answer him properly Besides he had, as every other man must have, a natural antipathy and dislike to being catechized, as to his political principles. It was, he said, the first time that ever he had heard a philosopher state, that the way to do justice to the excellence of the British constitution was never to mention it without at the same time abusing every other constitution in the world. For his part, he had ever thought that the British constitution in theory was imperfect and defective, but that in practice it was excellently adapted to this country. He had often publicly said this; but because he admired the British constitution, was it to be concluded that there was no part of the constitution of other countries worth praising, or that the British constitution was not still capable of improvement? He, therefore, could neither consent to abuse every other constitution, nor to extol our own so extravagantly as the right hon. gentleman seemed to think it merited. As a proof that it had not been thought quite perfect, let the two only reforms of it be recollected that had been attempted of late years; the reform relative to the representation in parliament of the right hon. gentleman opposite (Mr. Pitt), in 1783, and the reform in the civil list by his right hon. friend. Was it expected that he should declare the constitution would have been more perfect or better without either of those two reforms? To both had he given his support, because he approved both; and yet they were both tests, one to retrench the influence of the Crown, the other to enlarge the representation in that House; and would his right hon. friend say that he was a bad man for having voted for both? He was, Mr. Fox said, an enemy to all tests whatever, as he had hiterto thought the right hon. gentleman was, and therefore he objected to any man being expected to have his polictical principles put to the test, by his being obliged to abjure every other constitution but our own. Such a mode of approving one's zeal for the latter, reminded him of the man who signed the thirty-nine articles, and said he wished there were a hundred and thirty-nine more, that he might have signed them too, to prove his orthodoxy.

Nothing but the ignominious terms which his right hon. friend had that day

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heaped on him—[Mr. Burke said loud enough to be heard, that "he did not recollect he had used any."] "My right hon. friend," said Mr. fox, "does not recollect the epithets: they are out of his mind: then they are completely and for ever out mine. I cannot cherish a recollection so painful, and, from this moment, they are obliterated and forgotten." Mr. Fox then pursued his argument, and expressed his surprise that his right hon friend had talked of the friends who sat near him as a phalanx, and as disciplined troops: if by that he meant that any improper influence had been exercised, or attempted to be exercised, on their minds he disclaimed the idea; and indeed his right hon. friend best knew, so long as he had acted with them, when any such influence had been exercised over his own mind. He declared he could not but be sorry that such a character of a party, linked together on the most honourable principles, should come from one of their own corps. He had imagined, that his right hon. friend knew more of them than to impute such conduct to men of their description. The fact was, Mr. Fox said, that, upon his honour, no one of the hon. gentlemen near him, who had risen that day, and called his right hon. friend to order, had been desired by him to do so: on the contrary, wherever he thought he was likely to have his application complied with, he had earnestly intreated his friends not to interrupt the right hon. gentleman.

He admitted that no friendship should exist in the way of public duty; and if his right hon. friend thought he did service to the country by blasting the French revolution, he must do so, but at the time, he must allow others, who thought differently, to act in a different manner. Mr. Fox alluded to what Mr. Burke had quoted from Montesquieu, and declared he agreed with Montesquieu in his observation on the British constitution, but could not admit that Montesquieu meant to say that it was a model for all other countries. If he referred to what had passed in 1780, the right hon. gentleman would say that he raked into all the transactions of his life. Mr. Fox declared he would not, unless it redounded to his right hon. friend's honour, and to the glory of his character. And where could he find the incident that did not? In the year 1780, it had been the opinion of that House, "that the influence of the crown had increased, was increasing, and ought to be diminished." His right hon. friend had subscribed to that resolution, and had thereby declared, that the constitution was not perfect without such reduction. And, would his right hon. friend not grant to the French the same right that he had himself exercised? If the influence of the British crown, which consisted in the civil list, in the army, navy, and the power of giving places and honours, was so great as to be thought dangerous, what, in the eyes of reflecting Frenchmen, must have been the extravagant influence of the crown of France? With a civil list ten times as large as ours; with a navy almost as large; an army tenfold; a church more than tenfold; must they not, as we had done, pursue the course of diminishing its power? When, in addition to this, they had to deplore the degree of corruption and despotism into which the whole of their government had fallen, was it not right that they should endeavour to better their condition, and to extricate themselves from their misery and slavery?

His right hon. friend had said, that they must not hear of the French constitution, because it was diametrically opposite to ours. How that could be, he could not easily comprehend. His right hon. friend had also asserted, that evil must not be done, that good might come out of it; that must be left to God alone. What, Mr. Fox asked, did his right hon. friend think of the occasion of war? War, in itself, was certainly an evil, civil war a moral evil, and yet war was often commenced, that good might come out of it. If original rights were totally to be disregarded, Mr. Fox said, he should contend that the resistance of the parliament to Charles 1st, and the resistance of 1688, had been very unjustifiable. But the original rights of men were, in his opinion, the foundation of all governments and all constitutions, which were a compact between the governors and the governed, binding on both sides. He would not say that the government of France was good. It was undoubtedly capable of improvement, and would be amended by degrees. How, he asked, did we make our own government? By sending to Greece or Rome for a pattern for our constitution? No! but by gradually improving our government, which was bad at first, and which grew better in proportion as experience suggested alteration. The French would in time experience the defects of their government, and would

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have the same opportunities of correcting it.

With regard to his right hon. friend's enthusiastic attachment to our constitution, in preference to all others, did he remember when his majesty's speech was made in 1783, on the loss of America, in which his majesty lamented the loss the provinces had sustained, in being deprived of the advantages resulting from a monarchy, how he had ridiculed that speech, and compared it to a man's opening the door after he had left a room, and saying, "at our parting, pray let me recommend a monarchy to you." In that ridicule, Mr. Fox said, he had joined heartily at the time. The French, he observed, had made their new government on the best of all principles of a government—the happiness of the people who were to live under it. Was it not joyful, then, that she should have cast off the tyranny of the most horrid despotism, and become free? Surely, we did not wish that liberty should be engrossed by ourselves. If his right hon. friend talked of light and shade, Mr. Fox said, there was no shade so proper for the people of this country, as the departed despotism of France; of which, though no more in existence, we seemed still to be afraid; and the French themselves, from a dread of the return of the spectre, did many things which appeared extravagant and absurd to us, who were cool observers of the scene passing in France. A ludicrous image of this was given by the first of our dramatic poets, who makes Falstaff say, "I fear this gunpowder Percy, though he be dead." The right hon. gentleman has said, that he shall lose my friendship (continued Mr. Fox); but this I assure him he shall not lose. He has also said, he should lose that of the friends about him, because he stands up for the constitution of this country. I, however, hope that my friends are as fond of that constitution as the right hon. gentleman is, and that the example of France will make them cautious not to run into the same errors, and give the same provocation to the people. With regard to tests, Mr. Fox said, he would not believe his right hon. friend had altered his sentiments on that head, till he saw him voting for one. France had established a complete, unequivocal toleration, and he heartily wished that a complete toleration was also established in England. Because troubles had happened at the time the French were changing their constitution, should we say that they would also happen in England, were any alteration made in our constitution? He must contend for the contrary; and as he thought that the British constitution was capable of improvements, so did he think the greatest improvements might be engrafted on it, by degrees, with success, and without any violation of the public tranquillity.

Mr. Fox said, he lamented the difference that had happened, but he hoped, when his right hon. friend came to turn in his mind all the circumstances that had occasioned it, that he would forget what was past. His right hon. friend had said, that if he were to quote some of his expressions on particular occasions, he could prove his inconsistency. Mr. Fox acknowledged that no member was more apt to let expressions fall which, perhaps were rash and imprudent, than he was. He knew he had done so; but his right hon. friend never let any thing fall but what did him honour, and might be remembered to his credit. Mr. Fox now proceeded to speak of the reasons which had induced the right hon. gentleman and himself to enter into a systematic opposition to the present administration; this was not, he said, for the purpose of obtaining power and emolument by the means of a faction, but he had ever understood that they and their friends had formed a party for the purpose of supporting the true principles of the British constitution and watching the prerogative. After expatiating on this, Mr. Fox said, "let the right hon. gentleman maintain his opinions, but let him not blame me for having mine." He then noticed the cruel and hard manner in which his right hon. friend had used him, and spoke feelingly of the pain it had given him. The course he should pursue, he said, would be to keep out of his right hon. friend's way, till time and reflection had fitted his right hon. friend to think differently upon the subject; and then, if their friends did not contrive to unite them, he should think their friends did not act as they had a right to expect at their hands. If his right hon. friend wished to bring forward the question of the French revolution on a future day, in that case he would discuss it with him as temperately as he could; at present he had said all that he thought necessary, and, let his right hon. friend say what he would more upon the subject, he would make him no farther reply.

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Mr. *Burke* again rose. He began with remarking, that the tenderness which had been displayed in the beginning and conclusion of Mr. Fox's speech was quite obliterated by what had occurred in the middle part. He regretted, in a tone and manner of earnestness and fervency the proceedings of that evening, which he feared might long be remembered by their enemies to the prejudice of both. He was unfortunate to suffer the lash of Mr. Fox, but he must encounter it. Under the mask of kindness a new attack, he said, was made upon his character and conduct in the most hostile manner, and his very jests brought up in judgment against him. He did not think the careless expressions and playful triflings of his unguarded hours would have been recorded, mustered up in the form of accusations, and not only have had a serious meaning imposed upon them, which they were never intended to bear, but one totally inconsistent with any fair and candid interpretation. Could his most inveterate enemy have acted more unkindly towards him? The event of that night's debate, in which he had been interrupted without being suffered to explain, in which he had been accused without being heard in his defence, made him at a loss to understand what was either party or friendship. His arguments had been misrepresented. He had never affirmed that the English, like every other constitution, might not in some points be amended. He had never maintained, that to praise our own constitution the best way was to abuse all others. The tendency of all that had been said, was to represent him as a wild inconsistent man, only for attaching bad epithets to a bad subject.—With the view of showing his inconsistency, allusions had been made to his conduct respecting his economical reform in 1780, the American war, and the questions of 1784; but none of these applied. If he thought, in 1780, that the influence of the crown ought to be reduced to a limited standard, and with which Mr. Fox himself, at the time, seemed to be satisfied, it did not follow that the French were right in reducing it with them to nothing. He was favourable to the Americans, because he supposed they were fighting, not to acquire absolute speculative liberty, but to keep what they had under the English constitution; and as to his representation to the crown in 1784, he looked back to it with self-gratification, still thinking the same. Yet he knew not how to devise a legislative cure for the wound then inflicted, as it came from the people, who were induced to decide for the crown, against the independence of their own representatives. The inconsistency of his book with his former writings and speeches, had been insinuated and assumed, but he challenged the proof by specific instances; and he also asserted, that there was not one step of his conduct, nor one syllable of his book, contrary to the principles of those men with whom our glorious revolution originated, and to whose principles as a Whig, he declared an inviolable attachment. He was an old man, and seeing what was attempted to be introduced instead of the ancient temple of our constitution could weep over the foundation of the new.—He again stated, still more particularly, the endeavours used in this country to supplant our own by the introduction of the new French constitution: but he did not believe Mr. Fox at present had that wish, and he did believe him to have delivered his opinions abstractedly from any reference to this country: yet their effect might be different on those who heard them, and still more on others through misapprehension or misrepresentations. He replied to the grounds on which Mr. Fox explained his panegyric. The lesson to kings, he was afraid, would be of another kind. He had heard Mr. Fox own the king of France to be the best intentioned sovereign in Europe. His good nature and love of his people had ruined him. He had conceded every thing, till he was now in a goal. The example of the confusions, on the other hand, would have very little operation, when it was mentioned with tardy and qualified censure, while the praises of the revolution were trumpeted with the loudest blasts through the nation. He observed that Mr. Fox himself had termed the new French system a most stupendous and glorious fabric of human integrity. He had really conceived, that the right hon. gentleman possessed a better taste in architecture, than to bestow so magnificent an epithet upon a building composed of untempered mortar. He considered it as the work of Goths and Vandals, where every thing was disjointed and inverted.—It had been said that he did not love tests; yet, if his intimacy should be renewed with the right hon. gentleman, he might explain to

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him, that it was necessary that some evil should be suffered in order to obtain a greater good. In France, it had been asserted by the right hon. gentleman, that the largest religious toleration prevailed. It would be judged of what nature that toleration was, when it was understood that there the most cruel tests were imposed. Nay, tests were imposed for the most inhuman of all purposes—in order to deprive those of whom they were exacted of their bread. The treatment of the Nuns was too shocking almost to be mentioned. These wretched girls, who could only be animated by the most exalted religious enthusiasm, were engaged in the most painful office of humanity, in the most sacred duty of piety, visiting and attending the hospitals. Yet these had been dragged into the streets; these had been scourged by the sovereigns of the French nation, because the priest, from whom they had received the sacrament, had not submitted to the test. And this proceeding had passed not only unpunished, but uncensured. Yet, in the country in which such proceedings had happened, the largest religious toleration had been said to subsist. The present state of France was ten times worse than a tyranny. The new constitution was said to be an experiment but the assertion was not true. It had already been tried, and had been found to be only productive of evils. They would go on from tyranny to tyranny, from oppression to oppression, till at last the whole system would terminate in the destruction of that miserable and deluded people. He said that his opinion of the revolution in America did not at all militate with his opinion of the revolution of France. In that instance, he considered that the people had some reason for the conduct which they pursued.—Mr. Burke said, that he was sorry for the occurrence of that day. "Sufficient for the day was the evil thereof." Yet if the good were to many, he would willingly take the evil to himself. He sincerely hoped that no member of that House would ever barter the constitution of this country, the eternal jewel of their souls, for a wild and visionary system, which could only lead to confusion and disorder. With regard to pretences of friendship, he must own that he did not like them, where his character and public conduct, as in the present instance, had been so materially attacked and injured. The French principles in this country, he had been told, would come to some head. It would then be perceived what were their consequences. Several of the gentlemen present were young enough to see a change, and enterprising enough to act a part in the events that might arise. It would then be seen whether they would be borne on the top, or enmcubered in the gravel. In going along with the current, they would most certainly be forced to execute and approve many things very contrary to their own nature and character.

Mr. *Pitt* said, he rose to take notice of the very extraordinary situation in which the House stood. They had been engaged for some hours in an unfinished debate on a question of order, moved in the middle of the right hon. gentleman's speech, on the question for reading the clauses in the Quebec bill, paragraph by paragraph; and the question of order was, whether the right hon. gentleman should be permitted to go on in an argument on the subject of the French revolution, which he had begun, but in which he had been frequently interrupted, by being called to order by different gentlemen on the other side. The right hon. gentleman opposite (Mr. Fox) had given it as his opinion, that it was disorderly for the other right hon. gentleman to enter into a discussion respecting the late revolution in France; and yet the right hon. gentleman himself had, in his own speech, gone directly to that discussion, and the committee had since heard two speeches from each of the right hon. gentlemen immediately upon the subject of the French revolution. For his own part, he had all along been of opinion that the right hon. gentleman had been strictly in order, in introducing his opinions on the French revolution, when speaking on a subject of a constitution to be provided for Quebec, although he could not but think, that every asperity and censure on that event had, for various reasons, better be avoided. Circumstanced as the committee then stood, he felt a considerable degree of embarrassment: he did not think it consistent with decorum to move any amendment to the question of order, nor that any advantage was likely to result from taking the sense of the House upon it. The only advisable thing to be done, was to withdraw it: but to that there was clearly an obstacle. It was usual to obtain the consent of the mover of any question, previous to its being withdrawn; but in the present case, the

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noble lord who had proposed the question had withdrawn himself. His having left the House, however, might be presumed to be a pretty strongly implied consent on the part of the noble mover to its being withdrawn, and therefore he should suggest that measure.—Mr. Pitt then recurred to the first debate, and said, that upon the question whether the clauses of a bill be read paragraph by paragraph, any gentleman who thought the general principle of the bill, and the principles of the clauses, so objectionable, that they could not be so modelled and matured in a committee, as to be made fit to pass, was undoubtedly entitled to state his objections to the bill; and therefore he had thought the right hon. gentleman perfectly in order in the mode he had adopted; but it had been supposed that he had given an opinion that the right hon. gentleman's arguments and doctrines were not to be supported either by him, or any of those who generally voted with him. Now, it was to be recollected, that he had declined giving any opinion whatever on the subject, declaring, that he did not think it proper for him, in the situation in which he stood, to enter into a discussion of an opinion on the constitution then forming in a neighbouring country. With regard to what the right hon. gentleman had said of a misrepresentation by him of that right hon. gentleman's words in a former debate on the Quebec bill, if he had given any misrepresentation of the right hon. gentleman's speech, he had given it in the right hon. gentleman's own words, and in his presence; if, therefore, he had mistaken or mistated any thing the right hon gentleman had said, it had been in his own power to set him right at the instant, and not let a wrong impression of his words go abroad. The fact was, that in discussing the subject of the new constitution for Canada, he had suggested his intention to propose, as the bill in fact did provide, an hereditary council, in imitation of our House of Lords; whereas the right hon. gentleman had suggested, that an elective council would be preferable; and as the right hon. gentleman had just been talking of the governments of the United States of America, which were republics, he had conceived that the right hon. gentleman was inclined to think, that a greater infusion of republican principles into the new government of Canada would be better adapted to that province than a constitution similar to our own; and therefore, in his reply he had given his sentiments against any greater infusion of republicanism into the new constitution of Canada than at present subsisted in the British constitution. As to the publications which the other right hon. gentleman had stated to be disseminating throughout this country, with a view to extol the French revolution and its consequences, and to induce the people to look into the principles of their own constitution, he did not venture to think that there might be no danger arising from them; but when he had said that he saw no cause for immediate alarm from them, it was because he was of opinion that they were the less dangerous at that time, since he could not think the French revolution could be deemed an object fit for imitation in this country, by any set of men. He thought Mr. Burke entitled to the gratitude of his country, for having that day, in so able and eloquent a manner, stated his sense of the degree of danger to the constitution that already existed, and did assure him, that although he was of opinion that our constitution was capable of gradual and temperate melioration in some few of its principles, yet so perfectly was he persuaded of its being preferable to that of any other constitution in the world, that he would cordially cooperate with the right hon. gentleman in taking every possible means to preserve it, and deliver it down to posterity, as the best security for the prosperity, freedom, and happiness of the British people.

Mr. *Fox* said, the right hon. gentleman had given a pretty fair account of what had passed the other day upon the Quebec bill, and he was obliged to him for having explained his meaning. In the proposition of having the council elective rather than hereditary, he declared he did not think there was any thing like instilling republican principles into the new constitution for Canada; of which he was satisfied, he should be able to convince the right hon. gentleman, who had just sat down, as well as the right hon. gentleman near him, when they went into the debate on the clauses of the bill. When that day came, he hoped the right hon. gentleman near him would come down to the House and join in the debate, as he was anxious to get from theory to practice, and whatever the right hon. gentleman himself might think, all his arguments that day had been mere theories

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and nothing else. Mr. Fox declared he was not to be imposed on by sounds, so as to be startled at the name of republican principles; there was in our own constitution something of those principles, inasmuch as that House was elective; but it was on account of the bad use of the word "republican," and the purpose to which it might be converted, that he had been anxious to have his former argument explained. They all knew that the word "republican" was a watchword, always unfairly applied to any man, when the object was to run him down, and exasperate the country against him. He should therefore be glad when they came to the clauses of the bill, because professions of principles were at all times odious to him; and, indeed, every body might know his principles from his political life, as he had never attempted to disguise them.

Lord Sheffield's motion was then withdrawn; after which the chairman reported progress, and asked leave to sit again.

May 11. The House having resolved itself into a committee to consider further of the Quebec Government Bill,

Mr. *Hussey* objected to the clause respecting the division of the province. He thought that they would all become British subjects sooner, if this division did not take place. Instead of tending to heal differences, it was calculated to preserve and inflame animosities. Commerce was the chief point of view in which Quebec was of importance to this country. It behoved the House, therefore, to provide for that most essential object, the security of property. We ought to introduce the English commercial law, and leave the house of assembly to make such alterations as their own peculiar circumstances should render expedient.

Mr. *Powys* said, that the reason of this division was stated to be to prevent feuds and divisions; but he much feared that the mode of division was but ill calculated for this purpose.

Mr. *Fox* wished to be informed of one point, which had never been explained, and that was, whether his majesty had a power to divide the province, as was then proposed. [Upon consulting the 14th George 3, it appeared that the king had that authority.]

Mr. *Pitt* said, the point being settled, the question would be, whether it was fit for parliament to agree with his majesty to establish two legislatures? If they did not agree, they might negative the clause, and dispose of the whole of the bill; because it proceeded throughout on the supposition of two legislatures. It appeared to ministers, first, that the only way of consulting the interest of the internal situation of Quebec, and of rendering it profitable to this country was, to give it a legislature, as near as circumstances would admit, upon the principles of the British constitution. In the next place, that there was no probability of reconciling the jarring interests and opposite views of the inhabitants, but by giving them two legislatures. It was conceived that this form of government was best adapted to put an end to all the difficulties of a legal sort, and to render the regulations more useful to the subjects of that country. He believed there was such a rooted opposition of interests, that if there was a constitution, consisting of a house of assembly, in which the parties might be nearly balanced, the consequence, at least for a long series of years, would be a great degree of animosity and confusion. If one of the parties had a great ascendancy over the other, the party having the superiority was very unlikely to give satisfaction to the other party. It seemed to his majesty's servants the most desirable thing, if they could not give satisfaction to all descriptions of men, to divide the province, and to contrive that one division should consist, as much as possible, of those who were well inclined towards the English laws, and the other, of those who were attached to the French laws. It was perfectly true, that in Lower Canada there still remained a number of English subjects; but these would hold a much smaller proportion than if there was one form of government for every part of the province. It was in Upper Canada particularly that they were to expect a great addition of English inhabitants. The consequence was, that if it was not divided from the rest, the Canadians forming a majority of five to one, the grievance would be every year increasing in proportion as the population increased. The division of the province might be liable to some objections, but, on the whole, it was subject to fewer than any other measure.

Mr. *Powys* said, he was not convinced by the right hon. gentleman's reasoning. He had allowed, that in this instance the

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interests of one part of the inhabitants of Canada were sacrificed to those of the other. He said, he could not give up his majesty's declaration, of which he read some part, promising to the inhabitants of Canada the British constitution.

Mr. *Burke* said, it was evidently the intention of his majesty's declaration, that the laws adopted in Canada should be as nearly as possible similar to those of England. Indeed, it was usual in every colony to form the government as nearly upon the model of the mother country, as was consistent with the difference of local circumstances. To ascertain the propriety of dividing the provinces, required a degree of local knowledge, which he did not possess; but he should take it, that the measure was convenient. An attempt to join people dissimilar in law, language, and manners, appeared to him highly absurd; to join, too, the conquerors and the conquered, must give rise too much unpleasant feeling, and many invidious distinctions. Such a measure would appear to him to sow the seeds of discord. This geographical distribution was, in his opinion, highly convenient. The upper colony was chiefly inhabited by emigrants from America: these then were desirous of the English constitution. Let the Canadians have a constitution formed upon the principles of Canadians, and Englishmen upon the principles of Englishmen. Let there not be adopted any wild theories, more unknown than the north west coast of America. In this point of view he approved of the division, as accommodated to the circumstances of the country, and the natural prejudices of the inhabitants. He recommended that system of government which tended to promote the good of the individual and of the public, in opposition to that which attempted to methodize anarchy. He admired the division: no, he did not possess sufficient local knowledge to admire it; but he could at least say, that he did not disapprove it. Situated as he was, an insulated being, perfectly separate, banished from his party, there was a voice which cried to him, "Beware." For the short time during which he should remain in parliament, (and it would be but a very short time) he would support those principles of government which were founded upon the wisdom of antiquity, and sanctioned by the experience of time. On the present bill, necessary as it was for him to be careful of what he should say, he would state the arguments that occurred to him, as they should arise, upon every clause.

Mr. *Pitt* was extremely happy that the right hon. gentleman was to attend to all the clauses of the bill, as no man was more able to throw light upon the subject than he was. He hoped, they were all agreed to give to Canada a free constitution, in the English sense of the word. He said, he had made the division of the province essential, because he could not otherwise reconcile their clashing interests. He was anxious to give the inhabitants a constitution which was agreeable to their own wishes; and that was a consideration in his mind, of such importance, as to outweigh other and less inconveniences. The proclamation referred to was made in 1763; and by the act of 1773, all English laws had been abolished, except the criminal laws. From this fact, it would be judged how far it was binding on his majesty to give to this colony the whole of the English laws.

Lord *Sheffield* doubted the expediency of dividing Quebec into two provinces, and objected to it, because he thought it encouraged settlements in the interior parts of America, not only distant, but difficult of approach. We should rather endeavour to check the migration from the coast, to those parts with which we had not an easy communication. It was not the interest of England to raise colonies of farmers, in a country which could only produce the same articles as England did; neither did it appear desirable, on the part of the settlers, to be placed beyond the Rapids, which are above Montreal; as the carriage of so bulky an article as corn, through a bad navigation, to such a distance as the West Indies, or Europe, could not answer in common years. In the interior parts of America, the growth of corn must be the chief object. The want of a convenient market would soon limit that growth; and those that could not employ themselves in farming would of course turn themselves to manufactures, which disposition would be encouraged by the difficulty of the supply from Europe. In the mean time, it would be impossible to prevent the introduction of all the manufactures and other articles across the sea from the American States into the new province. It might be serviceable to keep a few ports to enable us to trade with the Indians, and to procure furs, the

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only article of much consequence that came from Canada; but he could not discover the least advantage that could be derived from interior settlements.

Mr. *Fox* said, he conceived, that in the first place, those gentlemen who disapproved of the division of the province might move to have the clause amended; because, besides the division of the province, it contained the fundamental principles of the constitution. It stated, that each division of Canada was to have a governor, a legislative council, and an assembly. The whole committee agreed, that there should be a governor, a legislative council, and a house of assembly, and therefore he should think it very strange if they should negative the clause, by rejecting it, instead of moving an amendment; since it contained distinct and important matter, in which they were all agreed. With regard to the division of the Province, that there were difficulties, in whatever way it was considered, he was ready to admit. When the province was divided, it was meant to leave the French laws in the one district, and the English laws in the other; the consequence of which would be, that in Lower Canada, which consisted principally of French inhabitants, all the French laws would continue in force till altered by the legislature of the country, His majesty's proclamation in 1763, might not only be supposed to have engaged many persons to go to Canada for the sake of commerce, but did actually operate in that manner. Had the division of the province separated the old from the new inhabitants completely, it would not have been liable to such strong objections; but the misfortune was, that many of the persons who might have been encouraged, by the proclamation to settle in Canada for commercial purposes, did not live in the upper province, but in that part in which the French laws were to prevail. It had been said, that parliament passed an act in 1774, which did away that proclamation. He believed, however, that that law, at the time it was passed, was not very well thought of by the public, and it became the opinion that a new constitution ought to be framed for Canada. That act, it was said, took away, in a certain degree, the reasons for not adhering to that proclamation. If they meant to stand on the ground of rigid right, it certainly did; but if they meant to make laws on the general principles of justice and good faith, it would occasion a material difference. It was said, besides, that nobody wished to introduce into the province of Canada all the laws of England. With respect to those laws, no man could doubt but that if the majority of the inhabitants were in favour of them, they ought to have them whether they were good or bad. The right hon. gentleman on the floor (Mr. Burke) had justly observed, that laws were either constitutional or municipal; there was, Mr. Fox said, another division of municipal laws, namely, with regard to inheritance, and the disposal of a man's landed property; which might happen between Canadian and Canadian, between Frenchman and Frenchman. But the case assumed a different aspect, when they came to distinguish commercial laws; the laws in which the English were most interested. It were to be wished, that some regard had been paid to English prejudices. Those old laws were not the laws of France two years ago; they were not the laws of France ten years ago; not even at the time of the conquest of Canada, because the whole French law never was sent to Canada, but particular parts only. That part of the French law which was called "the Custom of Paris," and which he believed now existed in no other part of the world, was established in Canada. Whenever an appeal from the French laws and the Custom of Paris came before the privy council of that kingdom, the great and able men who composed it were put into a difficult situation, and were obliged to inquire what the custom of Paris was in such and such a case, and how the French laws operated under such and such circumstances; and in order to ascertain those points, they were obliged to inquire of antiquaries rather than of lawyers, before the Code Marchand could be established. Whether these inconveniences were sufficient to prevent the division of the province, was a matter on which he entertained great doubt. If there was any middle mode that could be pursued, he, for one, should be much inclined to adopt it. If the provinces were not divided, the consequence would be, that there would be a considerable difference of opinion respecting the laws of the country; and this difference would be attended with disquietude and animosity. Like the right hon. gentleman on the floor (Mr. Burke), he was not sufficiently acquainted with the geography of the

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country to speak with certainty on the subject, but he thought the division of the province would be attended with the greatest possible inconvenience. Our communication at present was with the upper province, and whatever we had from upper Canada must come through the lower province; the lower province, therefore, having a legislature of its own, might enact laws that would very much disturb our commerce with the upper province. He admitted, that there were difficulties on both sides; but if he were obliged to come to a vote on the subject, he should vote against the division of the province; and should do so principally on the ground of establishing laws, not only laws of inheritance, not only laws that were to regulate the intercourse between Canadian and Canadian, but laws that were to regulate the intercouse between Englishman and Englishman and between Englishman and Canadian. If this were mere speculation, he should not be so positive in his opinion. Almost all the English merchants who traded to that country had been losers by so doing, and, beneficial as the commerce might appear to be, they had given up the trade. This step was not occasioned by any commercial disadvantages under which they laboured, but arose from the legal difficulties to which they were subject: those difficulties were not the effect of the badness of the law, but were in consequence of the uncertainty of it, and the not being able to ascertain what it was, or how it stood.

Mr. *William Grant* said, the right hon. gentleman seemed to take it for granted, that the commercial law of England was different from that of Canada. It was, however, certain, that there existed no material difference in substance, however they might differ in appearance, from the commercial laws of different countries. All commercial laws related to contracts, either express or implied. The reasoning upon contracts was of the same sort in all countries, and he who reasoned best respecting a contract, was generally accounted the best lawyer. If a decision that had been given on a contract in any of the courts of this country differed from a decision that had been given in a Spanish court, he would be bold to say, that one of those decisions was wrong. In nine cases out of ten the same decision would be given on the same case in every civilized country. As to the tenth case, some of the positive laws of the country might attach upon it, and make it an exception to the general rule. The decision of a court in Canada, of an English court, or any other court ought to be the same on the same case. The custom of Paris had no more to do with commercial law, than the law of gavel-kind had to do with the law of insurance, or any other part of the commercial law of England. The commercial law in this country, a few cases excepted, was not reduced to writing. In France the fact was different: they had a collection which was called the Code Marchand, made in the reign of Louis 14th, and which was in great repute in that and other kingdoms. In the same reign, and under the same direction, a maritime code was also compiled. To maintain, that the commercial law of Canada materially differed from the commercial law of England, was a mistake. Merchants were not discouraged from trading to that country by the state of the law, but on account of the insolvency of debtors. The laws of all countries between debtor and creditor gave the creditor some remedy, if the debtor was unwilling but able to pay: but the difficulty was, when he was unable to pay, and had a variety of creditors, who got into struggles and controversies with each other. In that case, the laws of different countries were exceedingly different: the laws of some countries had made no rule whatever with regard to the disposition of the effects of insolvent debtors, but had left the creditors to have recourse to suits at law: and he who obtained the first execution, immediately seized on the effects of the debtor, and discharged his own debt, to the exclusion, perhaps, of the claims of the other creditors. The laws of other countries had enacted, that while there was clear evidence that men would become bankrupts, their estates should be sequestrated, and equally divided among all the creditors: this was agreeable to the law of England. There was a third set of laws, which gave a qualified distribution of the estate among the creditors, and that was the case in France. When men had given marks of insolvency, they ranked the creditors into certain classes: they made one class of privileged debts, so that simple contract debtors might receive nothing till the other creditors were completely paid; as in the case of executors in this country, who paid the debts of the testator in a certain order of preference,

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and which many people had thought a very great hardship. He did not know but that there might be a great uncertainty in the law of Canada; but all the cases with which English merchants had been dissatisfied, were the decisions of the French courts, and were in cases of insolvency alone. There always was a greater uncertainty in the laws of all colonies than in those of the mother country, for colonies had no other laws to go by than those of the country from which they had emigrated, and those laws, perhaps, were not adapted to the circumstances of the colony. The same complaint of uncertainty in the law had taken place with regard to the laws of all the colonies: Mr. Smith had made the same observation in his publication of the laws of New York, about thirty years ago; and the abbé Raynal had now made the same complaint. The law of France was undoubtedly the general law of Canada; and some of the laws of Great Britain were introduced by ordinances.

Mr. *Burke* said, the question was, whether the English laws were or were not better than the French laws? The English in Canada were attached to the English laws, and the French were equally attached to the Canadian laws. The English, he thought, ought to enjoy the English constitution, and the French the old Canadian constitution.

After some further conversation, the clause was agreed to. The chairman having read the next clause, viz. that respecting the constitution of the Legislative Council,

Mr. *Fox* objected to the mode of appointing the council. He said, that he would throw out generally his ideas, as to the means of substituting what he could not but conceive to be a better mode of appointing a council, than the mode adopted in the clause as it stood. First, he laid it down as a principle never to be departed from, that every part of the British dominions ought to possess a government, in the constitution of which monarchy, aristocracy, and democracy were mutually blended and united; nor could any government be a fit one for British subjects to live under, which did not contain its due weight of aristocracy, because that he considered to be the proper poise of the constitution, the balance that equalized and meliorated the powers of the two other extreme branches, and gave stability and firmness to the whole [a loud cry of Hear, hear!] It became necessary to look what were the principles on which aristrocacy was founded, and he believed it would be admitted to him, that they were two-fold, namely, rank and property, or both united. In this country, the House of Lords formed the aristocracy, and that consisted of hereditary titles, in noble families of ancient origin, or possessed by peers newly created, on account of their extended landed property. He said, that prejudice for ancient families, and that sort of pride which belonged to nobility, was right to be encouraged in a country like this; otherwise one great incentive to virtue would be abolished, and the national dignity, as well as its domestic interest, would be diminished and weakened. There was also such a thing to be remembered, which gave additional honour to our House of Lords, as long established respect for the persons and families of those who, in consequence either of their own superior talents and eminent services, or of one or both in their ancestors, constituted the peerage. This, he observed, was by no means peculiar to pure aristocracies, such as Venice and Genoa, nor even to despotic or to mixed governments. It was to be found in democracies, and was there considered as an essential part of the constitution; affection to those whose families had best served the public being always entertained with the warmest sincerity and gratitude. Thus in the ancient republics of Athens and of Rome, they all knew the respect paid to those who had distinguished themselves by their services for the commonwealth.

Upon every ground of consideration, therefore, it would be indispensably necessary that an aristocracy should make a branch of the constitution for Canada; it was undoubtedly equally important with either the popular or the monarchical. But then the nature of the case must be considered; and he should therefore not advise the giving Canada a servile imitation of our aristocracy, because we could not give them a house of lords like our own. The chancellor of the exchequer appeared to be aware of this, and therefore he had recourse to a substitute for hereditary nobility. It was, however, he must contend, a very inadequate substitute, it was a semblance but not a substance. Lords, indeed, we might give them, but there was no such thing as creating that reverence and re-

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spect for them, on which their dignity and weight in the view both of the popular and monarchical part of the constitution depended, and which alone could give them that power of control and support that was the object of their institution. If Canada should grow into a great and flourishing colony (and he trusted that it would), as it was removed at such a distance from the principal seat of parliament, it was the more necessary to make the council, in a considerable degree, independent of the governor and the people; because, the province being so far off, the power of control could not be properly exercised by that House, with a view to the calling upon the responsibility of ministers, and punishing them for any abuse of the prerogative, by giving wrong advice to the council, through the medium of the governor. This was, he said, a clear argument why the council ought not to be appointed by the crown.

Property, Mr. Fox said, was, and had ever been held to be the true foundation of aristocracy. And when he used the word aristocracy, he did not mean it in the odious sense of aristocrat, as it had been lately called—with that he had nothing to do. He meant it in its true sense, as an indispensably necessary part of a mixed government, under a free constitution. Instead, therefore, of the king's naming the council at that distance—in which case they had no security that persons of property, and persons fit to be named, would be chosen—wishing, as he did, to put the freedom and stability of the constitution of Canada on the strongest basis, he proposed that the council should be elective. But how elective? Not as the members of the house of assembly were intended to be, but upon another footing. He proposed that the members of the council should not be eligible to be elected unless they possessed qualifications infinitely higher than those who were eligible to be chosen members of the house of assembly, and in like manner the electors of the members of council must possess qualifications also proportionably higher than those of the electors to representatives in the house of assembly. By this means, they would have a real aristocracy chosen by persons of property from among persons of the highest property, and who would thence necessarily possess that weight, influence, and independency, from which alone could be derived a power of guarding against any innovations that might be made, either by the people on the one part, or the crown on the other.—In answer to this proposition, it might possibly be said to him, If you are decidedly in favour of an elective aristocracy, why do you not follow up your own principle, and propose to abolish the House of Lords, and make them elective? For this plain reason—because the British House of Lords stood on the hereditary, known, and acknowledged respect of the country for particular institutions: and it was impossible to put an infant constitution upon the same footing. It would be as ridiculous to say, you shall have a House of Lords like that in England, as for a person in his closet to make and say what degree of reverence and respect should belong to them. From what he had said, he might possibly be deemed an advocate for aristocracy singly: he might, undoubtedly, with as much reason as he had been called a republican. Those who had pretended that he was a favourer of democratical principles, had surely read very little, and little understood the subject. He mentioned the Americans and said, he thought they had acted wisely, when upon finding themselves reduced to the melancholy situation of being obliged to change their governments, they had preserved as much as they possibly could of the old form of their governments, and thus made that form of government which was best for themselves; consisting of the powers of monarchy, aristocracy, and democracy blended, though under a different name. In order to show that his idea of an elective council was not a new one, he said that before the Revolution, more of the councils in our colonies were elected by the people than the king.

He had thus generally stated the outline of his proposition, upon which he did not mean to take the sense of the committee, unless it should be the general opinion that it ought to be adopted. If he did take the sense of the committee, and their sense should be against him, he should then propose that the council should either be all at the nomination of the king, or all hereditary. He believed that any council chosen in any manner would be better than none; to have them elective as he had stated, he seriously thought would be best; but it would be more detrimental than even the not having an elective council, that the governor should be left to himself, to decide alone.

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He remembered it had been once said, when talking of representation, that any 558 gentlemen who could be first stopped at Hyde-park turnpike, and assembled in that House, would be of as much service to the people as they were. Mr. Fox said, he by no means agreed with the proposition, or any one equally extravagant; but many were always a check to one, and a governor might decide in his closet upon a measure so foolish and so wicked, that he would not have the face to state to any number of persons. The very circumstance of a governor being obliged to have his opinion canvassed by many, was a positive advantage; and discussion, he was satisfied, always produced good. After putting this pointedly, he said, if there were to be hereditary members of the council, they ought all to be so. The check upon making peers here he had ever considered as attended with this advantage, that when the king made a peer, he recollected that he entailed an hereditary legislature on the country. A doubt existed, whether the king had a right to make a peer for life, without his title being hereditary, and at this time be understood there was such a juridical question collaterally existing in the House of Lords, which was a clear proof that the practice was unknown. If the crown had such a power, the life peers might overwhelm the hereditary peerage, and thus destroy the constitutional control of the aristocracy, in case they attempted to resist the crown. Thus, under pretence of aristocracy, lords might be introduced as mere tools of the minister, and give government an opportunity to destroy the constitution, and exercise despotic power in the most open shape. If, however, such a use of the prerogative should be exerted, he had no doubt but it would be soon remedied.—In the province of Canada, the introduction of nobility was peculiarly improper, for a variety of reasons. In fact, there was a sort of nobility there already, namely, the seigneurs, who were utterly unfit, and were not respected enough to be made hereditary nobles. And yet would ministers, he asked, pass by the real nobility of the country, the seigneurs, and create a set of people over them, whom the world called nobility, and invest them with hereditary honours? By-the-by, the sort of titles meant to be given were not named in the bill; he presumed the reason was, that they could not be named without creating laughter.

Mr. Fox generally remarked, that so necessary was aristocracy to all governments that, in his opinion, the destruction of all that had been destroyed, could be proved to have arisen from the neglect of the true aristocracy, upon which it depended whether a constitution should be great, energetic, and powerful. He explained that he was so far a republican, that he approved all governments where the *res publica* was the universal principle, and the people, as under our constitution, had considerable weight in the government. Mr. Fox concluded with declaring emphatically, that true aristocracy gave a country that sort of energy, that sort of spirit, and that sort of enterprise which always made a country great and happy.

Mr. *Pitt* said, it was with great satisfaction that he had heard a considerable part of the right hon. gentleman's speech. He rejoiced at it with the utmost sincerity, since doubts had been entertained of the right hon. gentleman's regard to our happy and excellent constitution which the cordial, and he entertained not the least hesitation to say, the sincere testimony of the attachment which the right hon. gentleman bore to the principles of our ancestors had completely removed. He was thence proud of the advantage he should derive from the support of the right hon. gentleman, in resisting any attempt that might be made contrary to our constitution. Aristocracy was, he contended, the true poise, as the right hon. gentleman had emphatically stated it, of the constitution; it was the essential link that held the branches together, and gave stability and strength to the whole; aristocracy reflected lustre on the crown, and lent support and effect to the democracy, while the democracy gave vigour and energy to both, and the sovereignty crowned the constitution with authority and dignity. He joined, therefore, as far as that went, with the right hon. gentleman, and agreed with him, that as much as possible of a constitution, deservedly the glory and happiness of those who lived under it, and the model and envy of the world, should be extended to all our dependencies, as far as the local situation of the colony, and the nature and circumstances of the case would admit—Where he differed from the right hon. gentleman was, with respect to the aristocracy proposed to be infused into the constitution of Canada, which he thought might be brought much nearer to our own by other

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means than by those the right hon. gentleman had proposed. Our aristocracy was not merely respectable on account of its property, though that undoubtedly was no small consideration in the scale of its respectability; but it was essentially respectable for its hereditary distinctions flowing from the Crown, as the fountain of honour. It was on that account not less the poise of the constitution, than if our aristocracy were elective; on the contrary, it was more so, because, according to the known genius and spirit of our constitution, monarchy was the source from whence the other parts arose, and, therefore, the nearer the aristocracy was to the crown, the more immediately congenial was it to the constitution itself, as originally adopted and planned by our ancestors. In that happy form, and constructed and preserved upon that wise principle, we felt the blessings of monarchy, aristocracy, and democracy all united. He should lament, therefore, to create an aristocracy by a selection from property alone, or by making it elective, as in either case it would render the poise nearer to the people than it was to the crown in the British constitution. He agreed that we could not give all the respect to a new nobility, that belonged to an hereditary line of nobles traceable to antiquity, but we could give the same degree of respect to it as had accompanied the origin of our nobility, and succeeding ages would bestow all the rest. Mr. Pitt laid great stress on the circumstances of the hereditary honours being derived immediately from the imperial crown of Great Britain, which he considered as a matter of peculiar value. With regard to the object of hereditary nobility, he conceived it could only be gradual; but he so far differed from the right hon. gentleman, that he thought there was something in the habits, customs, and manners of Canada, that peculiarly fitted it for the reception of hereditary honours; and in respect to seignories, he said, he imagined that some of the seigneurs were to be found of sufficient property and respect to make it fit that they should be among others named to those honours. The extension of commerce and of wealth in the province, which there was every reason to imagine would follow the introduction of the new constitution, would make them hold a fair weight in that constitution, and imperceptibly clothe them with that respect and influence that ought to belong to the aristocratical branch of a free government; and he was firmly persuaded that the aristocracy flowing from the imperial crown of Great Britain would tend materially to strengthen the system of connexion between the colony and the mother country. The want of those honours had tended to accelerate the separation of the former colonies. He declared, he neither wished the aristocracy to be dependent on the crown, nor on the people, and therefore he was desirous of bringing it as near to the model of the British aristocracy as possible. He feared there was not enough at present to form an hereditary peerage, and therefore we could only expect, as it was an infant aristocracy, to bring it as near as circumstances would admit to our own, but they would gradually increase till all became hereditary.

Mr. *Burke* rose. He began with observing, that he had served the House and the country in one capacity or other twenty-six years, five and twenty of which he had spent within those walls. He had wasted so much of his life to a precious purpose, if that House should at last countenance a most insidious design to ruin him in reputation, and crown his age with infamy. For the best part of the time, he had been a very laborious and assiduous, though a very unimportant servant of the public. He had not, he declared, been treated with friendship; but if he was separated from his party, if sentence of banishment had been pronounced against him, * he hoped to meet a fair, open hostility, to which he would oppose himself in a firm, manly way, for the very short period that he should continue a member of that House. He felt deeply wounded, but "jam certus eundi, carpebat somnos." With regard to the friendly censures that a right hon. gentleman had cast on him, he felt the difficulty that he had experienced the other night, in a peculiar degree at that

* See Appeal from the New to the Old Whigs, Burke's Works, Vol. vi. p. 74. The following paragraph appeared in the Morning Chronicle of the 12th of May 1791:—"The great and firm body of the Whigs of England, true to their principles, have decided on the dispute between Mr. Fox and Mr. Burke; and the former is declared to have maintained the pure doctrines by which they are bound together, and upon which they have invariably acted. The consequence is, that Mr. Burke retires from parliament."

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moment; because if he should reply to what he had heard from the right hon. gentleman near him, on his idea of a legislative council for Canada, and should say that his sentiments were too democratical, he should then be liable to be pointed out as invidiously designing to prevent the right hon. gentleman's preferment, by describing him as unworthy of his monarch's favour; and if, on the other hand, in observing upon the different suggestions of the chancellor of the exchequer over the way, he should state that they appeared to him to be too favourable to monarchy, then he might be said to have charged that right hon. gentleman with holding principles of despotism, which would render him liable to the disfavour of that House, and of the crown, both of whom he ought to honour and respect. Mr. Burke said farther, that in consequence of the turn the conversation between a right hon. gentleman and himself had taken the other night, he had heard that there was an intention to make or take an occasion of imputing whatever he might say, to a base premeditated artifice on his part, to make the right hon. gentleman pass for a republican, in order that he might sooner get into power himself. He had found this design conveyed to him as a secret, but the very next day a plot! a plot! was cried out in one of the common newspapers, which was wholly ascribed to him. Mr. Burke here read from a daily paper, an intimation that an account of such a plot had been received by the editor, but that for prudential reasons, he did not choose to print it. [Mr. M. A. Taylor rose to call Mr. Burke to order, but was prevented by the gentlemen who sat next him.]

Mr. Burke resumed his argument, and contended that he had a right to be heard while he endeavoured to clear himself from the foul conduct that had been imputed to him. Would the House he asked think he was a fit man to sit there while under the imputation he had described? If he had wished to attack the right hon. gentleman for his opinions respecting what had happened in France, he was free to do it any day he chose; as the right hon. gentleman had sufficiently often avowed those opinions in that House. Finding himself, without any cause separated and excluded from his party, it was a loss which he severely felt; but while he felt it like a man, he would bear it like a man. He denied that he had ever imputed democratic principles to the right hon. gentleman with a view to hurt him in the mind of his sovereign, and if he had pushed him to a declaration of his principles, the speech of the right hon. gentleman that day would prove whether he was likely to have attained his end, if he had wished to draw from him a declaration of democratic principles. In the course of the conversation the other evening the right hon. gentleman had said, that he had written a book which he had thought it seasonable and proper for him to go about and reprobate in all its essential parts and principles [A cry of No, no! from the opposition benches.] He rose therefore to justify himself in the face of that House and of his country, and in the face of an adversary the most able, eloquent, and powerful that ever was encountered, and (he was sorry to perceive) the most willing to rake up the whole of his opinions and conduct in order to prove that they had been abandoned by him with the most shameless inconsistency. He avowed the book and all it contained. He said, he had written it in order to counteract the machinations of one of the most desperate and most malignant factions that ever existed in any age or country. He would still oppose the mischievous principles of such a faction, though he was unfortunate enough to stand alone, unprotected, supported with no great connexions, with no great abilities, and with no great fortune. And thus was he delivered over to infamy at the end of a long life, just like the Dervise in the fable who, after living till ninety in the supposed practice of every virtue, was tempted at last to the commission of a single error, when the devil spat in his face as a reward for all his actions! In order to support monarchy, had he said, the other evening, that it was right to abuse every republican government that ever existed? Had he abused America, or Athens, or Rome, or Sparta? But every thing had been remembered that he had ever said or written, in order to render it the ground of censure and of abuse. He declared he could not caution the House too much against what had passed in France, but he had not called that country a republic: no, it was an anomaly in government, he knew not by what name to call it, nor in what terms to describe it:

"——————————— A shape,
If shape it might be called, that shape had none
Distinguishable in member, joint, or limb;

Or substance might be call'd that shadow seem'd,
For each seem'd either; black it stood as night,
Fierce as ten furies, terrible as hell,
And shook a dreadful dart; what seem'd his head,
The likeness of a kingly crown had on.
* * * * * * * *
A cry of hell-hounds never ceasing bark
With wide Cerberian mouths full loud, and rang
A hideous peal."

It was, he added, "A shapeless monster, born of hell and chaos." After having repeated these emphatical lines, Mr. Burke observed, that the right hon. gentleman's words had gone deep to his heart when he had told him, "he knew how to draw a bill of indictment against a whole people." He knew not how to draw any such bill of indictment; but he would tell the House who could—the national assembly of France, who had drawn a bill of indictment against the people of St. Domingo. He could draw a bill of indictment against murder, against treason, against felony, or he could draw such a bill against oppression, tyranny, and corruption, but not a bill of indictment against a whole people.

After a great deal of remark and complaint on the ground of matter personal to himself, Mr. Burke at length came to consider the subject of the clause before the House. He said that the chancellor of the exchequer had spoken his sentiments upon the subject more eloquently than he could do. In a monarchy the aristocrary must ever be nearer to the crown than to the democracy, because it originated in the crown as the fountain of honour; but in those governments which partook not of any thing monarchical, the aristocracy there necessarily sprang out of the democracy. In our own constitution undoubtedly, as the right hon. gentleman had well defined it, our aristocracy was nearer to the crown than the people, because it reflected the honours of the sovereign. He must agree that a king of England was the root of the constitution, whereas, in France, he was only, as he had been made to state himself, the first minister. A king of England might, if he chose it, select any persons, however improper objects, for honours; but he did not do so, because it would, as he well knew, bring his crown into contempt; and therefore he exercised his prerogative in that respect cautiously and prudently. But could the king of France create nobility? He could not; because he was himself degraded, and a prisoner; his orders, therefore, would not be accompanied by respect, which ought ever to be the first attendant on nobility. Mr. Burke went much at large into the constitution of the House of Lords, declaring that the honour of a duke, a marquis, an earl or a viscount, were severally familiar to us: we knew the nature and origin of those honours. With us the crown was the fountain of honour; in other constitutions, the people said they themselves were. He spoke of the power of the crown to create a new order, as it had done in Ireland, and he said, let the title given to the hereditary nobility in Canada be what it might, there could be no manner of doubt that those whom the king designed to honour would have more or less respect. Mr. Burke took notice of the suggestion of Mr. Fox of having the council elective, which he owned he had put forcibly, because that right hon. gentleman never said any thing that was foolish! but he had gone beyond his point! it was true, we could not have in Canada ancient hereditary nobility as we had in this country, because we could not make that a hundred years old that was made but yesterday: but an elective council would clearly be a democratical council.

He next spoke much at length of the various sorts of governments that had obtained in different colonies. In some there were councils; others, again, had been a government by charter, consisting of a governor and a company, in which case the settlement was governed by the governor and freemen. He mentioned in particular the Mississippi scheme, which had been of that nature. He spoke of mere wealth alone as not a good ground for aristocracy, though wealth, he admitted, was a material thing in it. Undoubtedly, there might be titles, and baronetage he thought not an unfit one, as it was a species of hereditary honour, though not so exalted as the peerage; but in all these things, Mr. Burke said, they must resort to experience. He spoke of the various constitutions that had prevailed in our American colonies before we lost them; the one which had approached nearest to perfection, was that of Massachusets; and yet the province rebelled; and so did the others, in which different forms of government prevailed. He did not therefore attribute the loss of our colonies to any one form of constitution for them; that form was undoubtedly the best under which they were the most flourishing and happy. He pointedly con-

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demned what he called a close aristocracy which he said would prove a dead weight on any government, counteracting and ultimately clogging its action. He recommended above all things an open aristocracy, and said, he had always thought the power of the crown to make an admiral who had distinguished himself a peer, and occasionally to decorate the old nobility by the infusion of new ones on account of their merit and their talents, one of the first and most excellent principles of the British constitution.

Having spoken much at large on the clause before the committee, Mr. Burke recurred to his own situation. The House he hoped would not consider him as a bad man, although he had been excommunicated by his party and was too old to seek another. If his book stood an object of odium, he might possibly belong to a faction, but not to a party, and consequently could be of less use to his country. He defined the distinction between a party and a faction. A party, he had ever understood to mean a set of men, bound and united by principles to act together in watching over the conduct of ministers, and taking care that nothing should be done that was likely to prove injurious to the constitution; whereas a faction did not draw together upon any known principles, but was devoid of all principle of union and common interest. He said, that his making use of the words "disciplined troops" had been deemed uncivil, whereas he meant no incivility by them. Discipline he had ever considered as one necessary quality of a party, and he trusted he had ever shown himself reasonably a friend to discipline, which was that sort of connexion which made men act together as a compact body, having one common object, and professing to feel it in common with their leader. In that sense he had meant the word discipline the other evening, and he trusted the gentlemen of the party that had excluded him, would with their usual fairness continue to act against their common adversaries, on the common principles of public good, and not direct their weapons against a poor unfortunate man, who had been twenty-six years exerting his best endeavours to serve his country.

He gave an account of his first entrance into parliament, declaring that he remembered the first question he ever brought forward he lost; the next he attempted, was to oppose the taking off the duty of one shilling from the land-tax, being of opinion, perhaps weakly, that it was necessary to keep up the taxes, although it was a period of peace, in order the sooner to reduce the debt of the country; and nothing could prevail on him to abandon his purpose. He had mentioned, at the time, that he had laid his political principles very low, in order that they might stick by him, and he by them, all his life. He had done so, and he had seen, on one occasion, two great parties join against him who had never acted together before—Mr. Grenville's party, and the late lord Rockingham's. He had then persisted, with the same pertinacity with which he now supported his unfortunate opinions on the French revolution. He complained of being obliged to stand upon his defence by that hon. gentleman who, when a young man, in the vigour of his abilities, at the age of fourteen years, had been brought to him, and evinced the most promising talents, which he had used his best endeavours to cultivate; and this man, who had arrived at the maturity of being the most brilliant and powerful debater that ever existed, had described him as having deserted and abandoned every one of his principles!

He said, that at a time when there was not a plot, indeed, but open and avowed attempts were made by clubs and others, to circulate pamphlets and disseminate doctrines subversive of the prerogative, and therefore dangerous to the constitution, it was unwarrantable for any good subject to be day after day holding out a parade of democracy, in order to irritate a mob against the crown. It should not, and it ought not to be. The perpetually making violent and flaming panegyrics on the subject of what had happened in France, he condemned as dangerous; and he now supported the monarchy, not that he thought it better than the aristocracy or the democracy, but because it was attacked and endeavoured to be run down. In like manner when lord George Gordon acted as a firebrand, and caused the proud city of London to bow its head to its very base, if they had joined in the cry against popery, was it not clear that they would have done infinite mischief? And yet he believed neither the right hon. gentleman nor himself were suspected of a violent attachment to popery; but was that the hour to stand up for protestantism? If they had been rash enough to have done so, they

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must have known that they would have clapped a firebrand to the pile; and that not only the metropolis, but all England would have been in a blaze. Let them take warning by that event. Let them recollect, that the mere suggestion that forty thousand persons could not assemble in a room—for no room was large enough to hold them—which appeared ridiculous and contemptible at first, had produced in one day such terror and alarm, that all ranks of people felt indescribable apprehension, and knew not whither to fly for safety. Just so there was at present a run against monarchy, which was said to be the child of his wild ungoverned imagination. Let them not rest securely on such a conception, but take care in time to prevent the possible effects. In saying what he had upon the subject, he was conscious he had done his duty; and he hoped he had in some measure averted what otherwise might have effected the downfall of the British constitution. That being the case, separate and unsupported as he was, let not the party who had excommunicated him, imagine that he was deprived of consolation—although all was solitude without, there was sunshine and company enough within.

Mr. *Fox* said, that however the right hon. gentleman might be unkind enough to impute democratical or republican sentiments to him, he could assure him that his sentiments, whether on religion or any other topic, always made a due impression on his mind. He said, that he did not like bestowing fulsome and unnecessary praises on the English constitution; they reminded him of a passage in one of our best poet's best plays; he meant, he said, king Lear; who asks his three daughters how much they love him? Goneril and Regan answer him in terms of the most extravagant and studied panegyric; but when he puts the same question to Cordelia, she answers just as he would answer the same sort of question, if it were put to him respecting the constitution, when he should say, he loved the constitution of Great Britain just as much as a subject of Great Britain ought to love a government under which he enjoyed such blessings. They were all, Mr. Fox said, bound to love a constitution under which they lived happily; and whenever it should really be attacked, all he should say was, that he would not be found the most inactive in its defence. With regard to the right hon. gentleman's declaration, that he was separated from the party, if he was so separated, it must be his own choice; and if he should repent that separation, he might be assured his friends would ever be ready to receive him, to respect him, and to love him, as heretofore. With regard to the situation of the seignories in Canada, the right hon. gentleman had shown himself weak in that part of his argument, and had evaded an answer; and the right hon. gentleman on the same bench with him was utterly and completely ignorant of the fact—he did not mean ignorant in an invidious sense of the word. Let the two right hon. gentlemen inquire further, and they would find that he was right in his declaration, because there was no stuff to ingraft hereditary honours upon, no rank of persons at all qualified to receive those honours. The right hon. gentleman near him, Mr. Fox observed, had said he preferred an open aristocracy to a close one; he would show that the sort of aristocracy that he had recommended could not be a close aristocracy, which he disapproved as much as the right hon. gentleman himself. With regard to the declaration of the right hon. gentleman near him, that the whole must be governed by experience—experience was undoubtedly, a very good general guide in most matters, but it was rather a strange argument to resort to in the present instance, for which there never had existed a precedent. There was no colony, ancient or modern, that ever had precisely the same constitution; it resembled that of some of the American states, but that of Massachusets the most nearly of any.

Mr. Fox then took notice of Mr. Pitt's having said, that his principles were so far republican as he had described. Mr. Fox declared he had no difficulty to admit that his principles were so far republican, that he wished rather to give the crown less power and the people more, where it could be done with safety, in every government old or new; and from that principle it was, that whenever any bills for that purpose had been introduced, he had given them his support, and the right hon. gentleman opposite to him, he observed, had maintained republican principles, according to his own mode of defining the word republican; for he had made several propositions of that kind to the House, and it was well known that the right hon. gentleman near him had done the same; they were equally chargeable, therefore,

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with republican principles; and to the extent that he had described, Mr. Fox said, he was extremely willing, nay, desirous, to remain chargeable. With regard to foreign colonies, he was of opinion that the power of the crown ought to be kept low. It was impossible to foresee what would be the fate of distant colonies at a distant period of time; but in giving them a constitution, his idea was, that it was our interest, as well as our duty, to give them as much liberty as we could, to render them happy, flourishing, and as little dependent as possible. We should make the free spirit of our own constitution applicable, wherever we could render it so; and if there was any risk or danger in so doing, he was persuaded the danger was not greater on one side than on the other; indeed, he thought the more despotic the constitution we gave a colony, the more we made it the interest of that colony to get rid of such constitution; and it was evident the American states had revolted, because they did not think themselves sufficiently free.

Mr. Fox summed up this part of his argument, by declaring, that he was decidedly of opinion that the constitution of this country was more liable to be ruined by an increase of the power of the crown, than by an increase of the power of the people. He next took notice of what Mr. Burke had said of inflammatory publications. If any dangerous doctrines were disseminated in pamphlets, he said it behoved the government to look to them, and in case the law officers of the crown failed in doing so, it was then the duty of that House to remind the ministers of their neglect. He owned, however, that for his part, he was of opinion that free discussions of the principles of the constitution ought to be suffered. If the constitution had opposers, it would also have advocates, and the more it was discussed the better. He hinted that it was misusing the functions and privileges of that House, for any member to come down, and by holding long discourses, personal to himself, and relative to imaginary plots, which he (Mr. Fox) really believed had no foundation in fact, prevent a committee from doing its duty, and examining the clauses of a bill of great importance. It was their duty also to look to the conduct of the executive government, to watch and examine the measures of ministers, and to guard, check, and control the public expenditure. For any gentleman to suppose, that by the authority of discussions on personal topics in that House, what he said there would have any effect on public opinion, respecting a matter to which they had made up their mind, he believed it would be found a vain and fruitless expectation.

Mr. *Burke* rose in reply, and began with retorting on Mr. Fox for what he had said respecting the eulogies on the constitution. He said, they were at least as useful as that right hon. gentleman's almost daily professions of admiration of the revolution in France. As the right hon. gentleman had thought proper to appeal to a passage from one poet in praise of the constitution, he would take the liberty of remembering another line from another poet,—"Qui non defendit, alio culpante." He referred to the books that were in circulation, and said, there was serious cause for alarm, when associations publicly avowed doctrines tending to alienate the minds of all who read them from the constitution of their country, especially at a time when it was notorious that it was systematically run down abroad, and declaimed against as the worst in existence. He again reminded the committee, from how trivial a commencement lord George Gordon's riots began, in consequence of which London had bowed its head so low. He said, he had never desired any books to be prosecuted, but the right hon. gentleman near him had done so more than once. He took notice of what had been said, that if he would repent, he would be received. He stood, he said, a man publicly disgraced by his party, and therefore the right hon. gentleman ought not to receive him. He declared he had gone through his youth without encountering any party disgrace; and though he had then in his age been so unfortunate as to meet it, he did not solicit the right hon. gentleman's friendship, nor that of any man, either on one side of the House or the other.*

Mr. *Martin* rose to observe, that the right hon. gentleman had said, that certain societies had circulated pamphlets relative to the constitution, the doctrines of which he reprobated as foolish and adulatory. He had, in particular, mentioned by name, the Constitutional So-

* Thus ended the friendship between Mr. Burke and Mr. Fox—a friendship which had lasted for more than the fourth part of a century.

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ciety, the Revolution Society, and, what was rather strange, the Unitarian Society. So far from thinking he had any cause to be ashamed of belonging to the Constitutional Society, it was his pride to be a member of it, persuaded, as he was, that they acted upon motives too pure to merit reprehension; and surely no gentleman would think a society instituted to commemorate the Revolution, illaudable.

Mr. *Wilberforce* complimented the Constitutional Society, declaring that he believed them more likely to repress, than to excite, clamour or commotion. He wished to know from Mr. Fox, whether he intended his elective council to be for life, or for a term of years?

Mr. *Fox* said, he had not decided upon that point, but was rather inclined to constitute them for life.

Mr. *Wilberforce* then contended, that, let the elective council be for life, or for a term of years, in the one case they would clog the prerogative, and deprive the subject of its protection: in the other point of view, it would be a democracy under another name, and give the popular branch of government too much power. Whereas if they adopted an hereditary council, they would form an open aristocracy; and though, at first, produce only saplings, in a course of years they would become forests, capable of bearing up against any innovation, either of the crown or people.

The clause was then passed.

May, 12. The House having again resolved itself into a committee on the bill, Mr. Pitt proposed, that the number of members to be chosen for the House of Assembly in Upper Canada should not be less than sixteen.

Mr. *Fox* objected to the number. He contended that after so much had been said about obtaining a proper aristocracy for that colony, they were not now to lose sight of giving it a proper share of democracy likewise, which was allowed on all hands to be requisite. Sure he was, that sixteen was a good number for an aristocracy, but by no means for a democracy. He was perfectly aware that it was idle to expect, that in a representative house the number of the elected should bear a strict analogy to the number of the electors. He knew there was no necessity for it; and that 558 members of that House were just as good a representative of the people of England, amounting to eight millions, as any larger number whatever; but, if they were legislating for a much more populous country, France, for instance, he did not believe he should be told that 558 members were sufficient. He thought sixteen by no means enough to form any thing that could bear the name of a popular assembly; he should rather have imagined that one hundred would have been the number, if one hundred fit members of assembly could have been obtained in Upper Canada.

Mr. *Pitt* said, that as there were not above ten thousand individuals in Upper Canada (including men, women, and children), he thought sixteen in the present state of the province was about a reasonable proportion of those who were fit persons to be chosen members of the house of assembly, and could spare time enough for due attendance.

The blank was filled up with the word sixteen. It was here observed by Mr. Pitt, that the bill did not limit the number of members to sixteen, but only showed that it ought not to be less than sixteen. The number of the members of the house of assembly in Lower Canada was moved to be filled up with the word thirty.

Mr. *Fox* thought the number too small. To transmit the British constitution to all the colonies of Great Britain, he well knew was impossible; but to pretend to do any thing like it, and to name thirty persons as a popular assembly representing 100,000, was so gross a fallacy, that he hoped it would no longer be attempted to be said that we gave Canada even a sketch of the British constitution, or any thing like it.

Mr. *Dundas* said, they could not pretend to give Canada the same constitution as they themselves lived under; all they could do was to lay the foundation for the same constitution, when increased population and time should have made the Canadians ripe to receive it, and to enjoy the same blessings.

Mr. *Fox* insisted on it, that an assembly, consisting of thirty, as the representative of 100,000, might be an excellent assembly, a wise assembly, a virtuous assembly, or an enterprising assembly, but it could not be called a popular assembly.

Mr. *Martin* wondered that Mr. Dundas should argue, that the constitution would be ruined by a more equal representation. Did he wish the assembly in Canada to

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resemble some representative bodies in other countries, where there were sham elections, and footmen dressed up in their masters clothes, and sent to parliament?

The motion was agreed to. When they came to the clauses respecting the clergy,

Mr. *Pitt* said, that the first gave the governor and council a power, under the instructions of his majesty, to distribute out of a sum arising from the tithes for lands or possessions, and set apart for the support of Protestant clergy, in order to give them a competent income, and the second clause provided for the permanent support of the Protestant clergy, a seventh proportion of the lands to be granted in future. The meaning of the act was to enable the governor to endow, and to present the Protestant clergy of the established church to such parsonage or rectory as might be constituted or erected within every township or parish, and to give to such Protestant clergyman of the established church, a part, or the whole, as the governor thought proper, of the lands appropriated by the act. He further explained, that this was done to encourage the established church, and that possibly it might be proposed to send a bishop of the established church, to sit in the legislative council.

Mr. *Fox* objected to the plan. He thought the Roman Catholic religion ought to be the established church of the colony, or the Presbyterian, that of the kirk of Scotland; he conceived that a seventh part of the lands was too great an allotment, and that the idea of sending a bishop of the established church of England to sit in the legislative council, was in every point of view unjustifiable.

The clauses were agreed to.

May 16. The report being brought up,

Mr. *Fox* said, there were two points in the bill on which he should take the sense of the House: first, the clause providing hereditary legislators, and, secondly, the clause admitting thirty to be a sufficient number for the assembly of Lower Canada.

The question being then put on the first clause, the House divided: Yeas, 88; Noes, 39. Upon the clause being read for thirty members to form the house of assembly for Lower Canada, Mr. Pitt moved to leave out the word "thirty," and insert "fifty." Mr. Fox objected to this number as still insufficient; and on dividing the House on his proposition of inserting the words "one hundred," there appeared, Yeas, 40; Noes 91. Mr. Pitt's amendment was then put and carried.

Debate in the Commons on the Sierra Leona Settlement Bill]. May 3. On the order of the day for the second reading of the Bill, "for establishing a company for carrying on trade between the kingdom of Great Britain and the coasts, harbours, and countries, of Africa, and for enabling the said company to hold a certain district of land, commonly called the Peninsula of Sierra Leona, for the better enabling the said company to carry on the said trade,"

Mr. *Gascoyne* reminded the House, that he had presented a petition some time ago from his constituents, praying to be heard by counsel against the bill, and he had also presented two petitions against it that day from most respectable bodies, viz. from the merchants of London, and from the African company. He was not ready to be heard by counsel against the bill in that stage, nor did he yet know whether the petitioners would feel it necessary to be heard by counsel at all. That would depend upon the sort of answer which he might receive from the hon. gentleman who had introduced the bill. The principal objection to the bill was, that it tended to establish a species of monopoly. Sierra Leona was the only river, for an extent of 1600 miles, which afforded ships a safe and commodious harbour. If the bill gave the intended corporation an exclusive right to the harbour of Sierra Leona, that would be a sort of monopoly, against which he should contend. If the water which he understood was now got for the ships from a spring within the circumference or tract of land (of thirty leagues) which the company meant to have enclosed, was to be paid for by the ships who wanted it, that he should deem a monopoly; or if, as the natives now brought their rice and commodities down to the ships in Sierra Leona harbour, across the tract intended to be enclosed, the natives were either obliged to go circuitously round, or pay for passing over the usual tract; in either case, he should contend against it as a monopoly. If the object of the bill was to increase the trade to the natives of Africa, that he conceived could be effected without a bill, as the trade had been long since

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made a free trade, and thrown open to all adventurers who chose to enter upon it. He further stated that in the last treaty of peace with France, we specified places where the English might not trade in Africa, and consequently in all others not so especially excepted we might trade without interruption: Sierra Leona, he said, was one of these; therefore if any other persons were restricted from trading there, except the newly intended company, it would be an objectionable monopoly.

Mr. *H. Thornton* said, he could undertake to say for himself, and he believed for other gentlemen concerned in the bill, that they meant not a monopoly. The objections stated by the hon. gentleman, went not against the principle of the bill, but rather against a particular clause, which might even be left out without material injury to the bill. With regard to the nature of the bill, it was this; a number of gentlemen, of which there were already about 100 subscribers, partly from public spirit, and partly from a spirit of speculation, had embarked a portion of their fortunes in a commerce for the natural produce of Africa, and wishing to extend that trade, they were desirous of securing themselves from being responsible with their whole fortunes for more than the share of losses they respectively took upon themselves, by the proportion of their several subscriptions. With regard to the situation the other traders to Africa would be placed in by the operation of the bill, it would not be so bad as the hon. gentleman seemed to imagine, because the length of tract the gentlemen concerned wished to enclose, was only about thirty miles (not leagues) along one side of the river Sierra Leona, and all the other side, which was equally well calculated for landing and shipping goods, and which had the same water near it, and every other conveniency, would remain perfectly free for other traders. The attempt of the gentlemen to extend the trade to Africa, appeared to him to be not only warrantable, but laudable; and unless it was meant that no trade but the slave trade should be carried on with Africa to any extent, he could not but persuade himself that the House would see the object of the bill in its true light and give it every proper encouragement.

The bill was read a second time.

Cecil's Divorce Bill]. On reading the order of the day, for the second reading of the bill to divorce Mr. Cecil from his present lady, on account of her Adultery with the Rev. Mr. Sneyd,

The *Lord Chancellor* said, he was desirous of delivering his sentiments on the bill then under consideration, because it differed much from those which generally formed the ground of application to that House for bills of divorce. Though any one injured by the infidelity of his wife, had a right to that redress which had been applied for in the present instance: it nevertheless became their lordships to consider well before they determined as it was necessary, both in point of good policy as well as morality to keep the ties of marriage as indissoluble as possible, whenever it could be done. Mr. Cecil, who applied to their lordships for a dissolution of his marriage contract, was apparent heir to a noble and illustrious family in this country, and he, as well as every other person applying to their lordships for redress of grievance, would undoubtedly receive it as far as their lordships could extend their interference upon the principles of justice, defined and limited by the law of the land. From the ecclesiastical court Mr. Cecil had already received all that court could grant him; he had been allowed a divorce *à mensa et thoro*, which might be granted on a variety of cases, in each of which parliament might refuse to interfere. There might be various reasons for this kind of divorce when neither justice, public policy, nor a due regard to morality or religion could warrant the granting a divorce by parliament, which was a divorce *à vinculo matrimonii*. The first divorce was a mere separation, adapted to the convenience of the parties; but the second was an absolute dissolution of the contract, and therefore he had always been of opinion, that if any agreement between the parties to separate could be proved, or if after the adultery of the one, the other assented to or connived at that immoral act, or was heedless and indifferent about it, the law upon the ground of public policy and decorum, would refuse a divorce *à vinculo matrimonii*, and so it ought be, on the principle of justice as well as on that of public expediency, in order to make the marriage contract as solemn a deed as the nature of the thing would admit; for there could be no injury, and consequently no redress, where a party had permitted or had not endeavoured to prevent the act. The

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question in this case was, whether the gentleman who made this application had conducted himself with regard to his wife in such a manner as to be entitled according to the principles he had laid down, to this divorce *à vinculo matrimonii*. The evidence of the adultery of the lady was clear enough; but, on the other part of the case, that of the conduct of the husband, he owned he had entertained considerable doubt, and that too of such a nature, that the subsequent circumstances of the case on a good deal of deliberation had not yet entirely removed. It had appeared before their lordships, that Mrs. Cecil had, with much distraction, but without contrition, confessed her adultery with Mr. Sneyd, for which she had been subsequently forgiven by her husband; and that she had afterwards applied to him for leave to visit the adulterer, promising that it should be the last time. Her bare promise, after the experience had of her conduct, was but slender security for her future good behaviour, and there could not be much prudence in trusting her with this visit. However, the husband consented to it, and suffered her to ride to Birmingham, accompanied only by a female. She met the adulterer, they were left by themselves in a room for two hours, and then, instead of her returning, they went off in a post-chaise together, and lived afterwards in a state of open adultery. This consent on the part of Mr. Cecil had much the air of indifference about the morals of his lady; there was too much levity in it. It was at the very best, incautious and unbecoming behaviour. These points, however, he did not urge as the grounds of a positive opposition to the second reading of the bill, but he felt it to be his duty to lay them before the House. He owned he had considerable doubt upon the subject, but in this (as in all doubtful cases, he should wish to do) he said, he had taken the opinions of others of high authority and great weight in the ecclesiastical court, who on an attentive perusal of the whole of the evidence in this case, had declared, that if they had to decide on the subject they should rather incline in favour of the divorce; having received that opinion, it bore upon his mind sufficiently to impel him to say, that he should not oppose the second reading of the bill.

The Earl of *Coventry* agreed that the sending Mrs. Cecil to meet Mr. Sneyd at Birmingham was open to suspicion, but as he was firmly of opinion that it was wholly to be ascribed to an error in judgment, he trusted the House would proceed to a second reading of the bill.

The bill was then read a second time.

Debate on Earl Fitzwilliam's Motion against a War with Russia.] May 9. Earl *Fitzwilliam* rose, pursuant to notice, to bring forward a motion relative to the war which we were likely to be engaged in with Russia. When this subject was last discussed, it was allowed to be of great magnitude: and during the recess, an opportunity had offered in different parts of the country of knowing what they had reason to expect, if we had the misfortune to be plunged into a war with Russia: a country with which our steady alliance had been productive of the most beneficial effects to our trade and manufactures. He thought himself justified in stating this, from being possessed both by private information, and resolutions that were publicly known, of the sentiments which prevailed at Manchester, Norwich, and the West Riding of Yorkshire, places which certainly, from the very great extent of their trade, particularly with Russia, were entitled to the respect and attention of that House. The imports he estimated at one million and a half, and the exports at nearly 400,000*l.*; and although it might at first sight appear, that the import trade, being so great, was against this country, yet when the different articles of trade were examined into, and the use which this country made of them, being raw materials, which were manufactured here, and afterwards sent back to Russia, or exported elsewhere, it would be found, that the trade was very advantageous indeed for Great Britain. He strongly enforced the importance of the trade with Russia, the total loss of which was certain if we went to war. The address which he meant to move was intended to convey to his majesty the sentiments of the country, relative to this war, and to obtain, if possible, some more decisive information than ministers were inclined to give, upon a point in which the country was so much interested. In the former discussion upon this subject, the noble secretary had assured the House that a war with Russia, if it did happen, was not the consequence of any subsisting treaty, farther than this, their lordships had received no official information whatever, but confidence of the most im-

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plicit kind had been demanded by ministers, and in some measure given to them, though it had not met with the return on their part that might have been expected; for they had not given the smallest satisfaction to the country, for their conduct at a period when the public had reason to be much alarmed about the consequences, and an undoubted right to call upon them for information. His lordship concluded by moving, "That an humble Address be presented to his majesty, to entreat his majesty to take into his serious consideration the material injury that the manufactures and trade of this country must suffer from the interruption of the friendly intercourse and good understanding that has so long subsisted between Great Britain and Russia: and to beseech his majesty not to hazard the advantages of such friendly intercourse, and the inestimable blessings of peace, by a hostile interference, for the purpose of effecting any arrangement respecting Oczakow, and the uncultivated districts adjacent; as we humbly conceive that in such arrangement, neither the political nor the commercial interests of the country are concerned."

Lord *Grenville* said, that from the situation he held, it would be exceedingly improper in him to enter into any explanation, pending a negociation, that might tend to interrupt or interfere with that negociation. Much had been said respecting the trade with Russia, which he allowed to be of great importance, though he could not agree that it was exactly as the noble lord had stated it to be. Information on that head, taken from custom-house accounts were very fallacious, and therefore were not to be argued upon. However, the importance of the trade was certainly not the only point to be considered in a negociation like that in which we were concerned; nor could it be any ways against our commerce or manufactures, that the balance of power, as well as the balance of trade, was properly looked after; and whatever regard noble lords might have for the Russian trade, there might be political objects worthy of the attention of ministers, which, were they to be overlooked, might be of far more alarming consequence, than mere commercial interests could be. To agree to the address proposed, would be to put so much stress upon the Russian trade as to decide, that Great Britain was dependant on Russia, a question which he trusted noble lords would never decide upon in that manner. If for other objects it might be necessary to go to war, he did not see that we had any commercial reasons that ought to prevent us; and even if war should occasion a suspension of trade with Russia, which he did not believe it would, the trade which we might carry on in other quarters, would be equally beneficial to this country. He denied that this country was favoured by Russia in any one branch of commerce, and contended, that those consumers who were served by Britain through the means of Russia, would be better supplied always by us than any where else, and of course, that we never should lose that trade, though the channel of conveyance might be altered. An alliance with Prussia, which enabled us to carry on the same trade by the means of a connexion with Poland, he thought, would be much better. Upon the whole, it would be neither wise nor politic to forbear going to war at any time, merely on account of any trade; and the greater the length to which we extended our commerce with any country, the more were we dependant on that power. As to confidence, he thought their lordships could not be accused by resisting the present motion, of rashly hazarding a continuance of that confidence, during a negociation on which they had already decided not to withdraw it from the servants of the executive government. He thought the arguments of the noble earl insufficient to form a ground for an address to his majesty; and he should therefore oppose the motion.

Lord *Rawdon* said, that ministers had offered no arguments which could give conviction to any man that their conduct was politic, wise, or expedient; nor had they given any official information that could be satisfactory, at a time when, of all others, the public were most entitled to satisfaction. When a great armament was going forward, and every apparent preparation for hostilities, that would plunge the country into an unexpected and unjust war, against a power with which we had been long and prosperously allied, and therely entail the most severe calamities upon the country; at such a time they refused to give any one solid ground, or serious argument in favour of their proceedings. All that could be learned, and that not from ministers, was, that they were arming to bring about an agreement to certain violent, arrogant, and unreasonable requisitions, which, if not granted, must provoke

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war. By the message which the Russian merchants had received from government, they were told that they might carry on their trade till such a day: or rather, that there was a great probability that they could be in no danger from navigating their ships to and from the Russian ports, till the end of one month or the middle of another. This was a communication, he believed, the most uncommon and eccentric that had ever come from any government to a trade which it wished to protect; and the publishing it was certainly as wild and impolitic a measure as any administration ever adopted; because, in this case, we must, in all decent policy, suppose it to be the opinion of ministers, that when this period expired, war would commence; and if it did, there was nothing more likely than that the Russians would begin the war by capturing all our vessels and seamen in their ports.—As to what had been said about our interfering by way of mediation, such mediation was being decidedly partial to one power, and making an unreasonable demand upon the other. The conduct of ministers on this occasion, put him in mind of the insolence of Louis 14th, which disgusted all Europe. The loss of our trade he considered of the greatest importance. —In the present state of affairs in Europe, the unaccountable secrecy of ministers could not be advantageous to the interests of Great Britain. He adverted to the rescript between Prussia and Denmark, which states the demand of the empress to be merely the fortress of Oczakow and the adjacent uncultivated tract of country, and that with a defensive view entirely, and to prevent its being in the possession of the Turks, who, if they had it, might at any time invade the Crimea. He denied that Russia could wish to have it for any offensive purpose, and if we contended that the Turks should possess it, instead of forwarding the means of general tranquillity, we should be doing quite the reverse; while we pretended to be resisting Russia, for the prevention of future wars, we were taking steps that would be productive of the contrary effect. His lordship here described the situation of Oczakow, its defensive utility to Russia, and the impropriety of putting it into the possession of the Turks, as well as the unreasonableness of requiring that Russia should give it up. He reprobated the hostile interference of Great Britain, by which she seemed inclined to keep open the vein that had been gushing for so many years, and instead of mediating for peace, to continue a bloody and destructive war. With regard to the consequences of war, their lordships, perhaps, might not feel them so much on their own account; yet he knew they must feel for the distresses that every additional burthen must bring upon the lower orders of the community; and, certainly, the privation of any of the blessings which they enjoyed, must be matter of serious regard to every feeling heart. From that class, his lordship came to the next distinction, who likewise would be much affected by the calamities of war; and these were, such as were possessed of estates from 300 to 600*l.* a year; a very respectable and useful part of society, who served as magistrates, and guardians of the public peace; these would be sufferers; and it was always the duty of parliament to attend to the welfare of every distinction of men in the kingdom, and thereby promote the general prosperity of the whole.

Lord *Mulgrave* observed, in answer to what had been said about secresy and concealment, and that personal considerations, more than public good, were the motives of his majesty's ministers, that this he knew was not the case. They had likewise been accused of arrogance and insolence equal to that of Louis 14th, which had disgusted all Europe; but he denied that the comparison was just. With regard to the negociations, it was well known that there were two sorts of mediation between contending powers; the one, when their interests and situations were equally concerned and affected by the conclusion; the other, when it was the interest of one power to offer mediation between two others, to preserve that balance, which was safest and best for all. And in this last view, he considered the propriety of our alliance with Prussia, and the line of conduct pursued by ministers in their negociation with Russia, as far as it was known.—He was not so much afraid about the trade of the country as some people were; he believed that other countries knew their reciprocal advantages in trading with Great Britain, and would be as anxious to preserve it as we could be. He considered the commercial transactions that we might have with Poland, as equal to any share of the Russian trade which we might lose. It had been

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well known that Russia, ever since she had emerged from barbarism, about 200 years ago, had been pursuing one regular scheme of ambition to extend her conquests far and wide. Under these circumstances, he thought she ought to be checked in her progress, and for that reason, he would oppose the motion.

Lord *Stormont* said, it was impossible for him to give a silent vote on so important a subject; he should not, however, address himself to their lordships fears, but to their wisdom. The noble secretary of state had spoken in such general terms, that he too was under the necessity of arguing more generally than the noble lords who had preceded him. Confidence, and a regard to the general system, were words graceful in utterance, and high sounding in debate; but when they came to be examined, conveyed very little information. Indeed, so little information had their lordships on the subject, that what was known to all Europe, they knew only by public notoriety. They knew, however, by the rescript of the court of Denmark, what the demands of the empress were; that of all her conquests, she desired only to retain Oczakow, and the adjacent territory, and that this was all to which we could object.—Our trade to Russia was of great importance, amounting to a million and a half of imports annually, and this of the most advantageous kind, being either articles of necessary consumption, or the materials of valuable manufactures. It was vain to say, that this trade would not suffer by a war; for although in former wars, by our general superiority at sea, we had been able to protect our trade, it was too absurd to suppose, that after commencing hostilities against Russia, we should send our merchantmen into her ports. Now, when the value of this trade was considered, and our interest in who should possess Oczakow, the object for which it was to be sacrificed, was he addressing himself to their lordships fears, or to their wisdom, in desiring them to weigh well the grounds on which it was proposed to involve this country in a war? With regard to the probability of war, their lordships had no documents to argue from. They knew nothing but the strange communication to the Russian merchants, which was so extremely indecisive, that it had not altered the price of insurance. It afforded this important information, that our ministers had submitted a peremptory proposition to Russia, to which they expected an answer, and that they held the keys of the temple of Janus in their own hands, to keep it open for war, or to shut it for peace. But Oczakow was only the ostensible object. From the whole train of the negociations, it was clear, that the real end in view was, to obtain the acquiescence of Russia to the seizure of Dantzic and Thorn by Prussia. The Prussian minister, of a disposition neither to be quiet himself, nor to suffer the world to be quiet, presented this object to the king, and this object we were to aid in accomplishing. As the basis of a commercial treaty with Poland, we possessed the cession of its only ports. This proposition his lordship reprobated in the strongest terms, and said, if acceded to, it must be the ruin of Poland. He had resided in that country, had many connexions in it that were dear to him, and he should regret to see such an event take place. The polish diet, however, not always distinguished by the temperance of its counsels, had seen the consequences to be expected from this proposition, and wisely decided against it. Ministers were now endeavouring to explain it away, in a manner not the most becoming, by attributing it to Mr. Hailes, the ambassador at Warsaw, as if he had gone beyond his instructions. He had not the honour of knowing Mr. Hailes, but he was satisfied, from a consideration of all the circumstances which had come to light, that he had acted in conformity to the general tenor of his instructions. The cession of Dantzic and Thorn to Prussia, was not of so little importance as they seemed to think. To preserve Dantzic in its former situation had been thought worth the interference of this country by the duke of Marlborough, and lords Godolphin and Somers in 1727. —He warned ministers of this sort of mediation which they had undertaken, as totally unprecedented. If they referred to their own act with respect to the emperor in the conferences at Riechenbach; that, though a bad authority, would not bear them out, because the emperor was under great difficulties, and the recovery of the Belgic provinces was considered as an equivalent for the giving up his conquests. Of our interference between the emperor and his subjects he would say nothing, persuaded that it was a scene from which no friend of ministers would wish to draw the veil.—The result of the

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present measures might be considered in three points of view, and in neither to the honour or advantage of this country. They might terminate in a war, in which we should sacrifice the treasure and commerce of the nation to the views of Prussia. Russia might accept of our terms under a modification, and the tract of country adjacent to Oczakow might be reduced to a desert. It would be a great consolation to the labourer and manufacturer of this country, who was already deprived of the wholesome beverage by which the waste of daily labour was repaired, to be told, when called upon to pay fresh taxes, "You are reduced to drink water, it is true, but we have made Budgiac Tartary a desert, and you may be assured, that as long as this treaty lasts, the waters there will flow untasted by man, or any animal employed by man." If we should be obliged to recede from our demands, and allow the empress to make peace on her own terms, we should then incur the disgrace of having interposed without effect; of having expended our money in an armament which we were afraid to use, and of having held a dagger to the breast of a foreign power, which, however we might strive to cover it, was a dagger still.

The Marquis of *Lansdowne* took a general view of the subject. He thought that the noble secretary of state had misconceived, and consequently mistated, the business. Our trade with Russia was of the highest importance; and we were not to give up to the speculations of ministers the real interest of the kingdom. The best and ablest heads that ever governed this country, were of opinion, that a fleet could never afford any beneficial assistance to Prussia, and that, whenever we quarrelled with Russia, we gave up a most valuable part of our commerce. But a new system had lately been introduced, and, among other matters adopted, it seemed to be a fixed rule, that experience should be superannuated, and that all the wisdom, all the judgment, all the good sense of this country concentered, not with the ripened judgment of the parent, but with the juvenile ideas of the son. He wished to know to what mercantile, to what national advantage, a quarrel with Russia could tend? and how we were actually and *bona fide* to be repaid the expenses of our present armament, and the long list of charges which must so heavily fall on the people, should the ambition of ministers plunge them into a serious quarrel with our old commercial friend? There was a kind of dictatorial arrogance in our conduct towards Russia, that might hereafter cause years of trouble for this hour of arrogance. It neither suited the honour, genius, policy, trade, nor interest of this country, to provoke hostilities; and there was not a man of common understanding, whose mind was unbiassed by the pecuniary or other private interests derived from government, who was not a professed enemy to the present quarrel with the empress.—He said that our commerce with Russia was not, as had been attempted to be proved, of a nature which could be supplied. The article of hemp could not be got from any other country. It had been tried, indeed, to raise it in America, and he had been an encourager of such experiments. But, after all their endeavours, it was found that the hemp which was raised in our Canadian settlements was by no means equal to the hemp of Russia. He remarked that the commercial treaty had not been renewed with Russia. Yet it was the wish of the merchants of this country that it should be renewed. Several had suffered considerably in consequence of the renewal not having taken place, and one house in particular had lost 6,000*l.* annually. All the advantages of the Russian trade we were required, however, to abandon on the principle of confidence. This doctrine of confidence had been but lately introduced, and he could not help thinking, that it was carried to an unwarrantable length. This modern confidence led to personality, which surely did not belong to the consideration of the House. It was necessary to examine the character, abilities, and even age, of a man, before it could be ascertained how far he ought to be trusted. These were points which a master might examine in employing a servant, but which did not fall under the province of the House with respect to ministers. Their business was only with the crown, with measures, and not with men. The present was an age of free inquiry and liberal discussion; and politics were not measured by any narrow rule of prejudice, but by the broad standard of general opinion.—The noble secretary had asserted, that we did not owe our trade with Russia to any particular indulgencies, but to the superiority of our manufactures; but if this was the fact now, it was not always

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so, nor would have been, had the commercial treaty of 1766 been renewed.—It was a singular circumstance, that almost all the information which was wanted in this House, had been published in the Berlin Gazette. The king of Prussia, arbitrary monarch as he was, had thought fit to publish to the garrisons of Potsdam and Berlin, those facts which our ministers would not condescend to communicate to parliament. The Copenhagen Gazette had also stated the facts which were affected to be made such a profound secret in this country. He was not now afraid of Oczakow. He was only concerned about the general system of things. That business (no thanks to ministers) was completely abandoned. That place was of no consequence to the general balance of Europe. Their attempts, with regard to it, ministers durst no longer pursue. Manchester was in a flame on the bare apprehension of a war. The same spirit had discovered itself in Norwich. In short, the opposition was so general, that none approved of the present measures, except those who were particularly connected with ministry. It was evident, therefore, that the ministers must recede, as they could not carry on a war in defiance of the country, the voice of which was clearly and undeniably against a war with Russia. The people of Nottingham also, feeling the consequences, had come to resolutions, which must give conviction to their lordships' minds, that such parts of the country, as were in their manufactories likely to be injured, had told a truth which defied the power of contradiction. It certainly was the part of parliament, the dutiful part at least, that respect should be paid to the opinion of what was called "out of doors." What was asked by the address moved for, was natural to those who valued the trade of this country; and ministers should not shelter themselves under the new doctrine of giving no answer, let the question be ever so important. This system of secrecy carried with it much suspicion; it had all the appearance of incompetence to reply; every mark of insufficiency to withstand the charge. He mentioned a reform in this country as requisite in many particulars: he instanced the delays and expenses of the law, the difficulty of the poor in obtaining justice, and various other matters, which, in his opinion, required speedy reformation; but which reformation was lost in the ideas of war with this or that country; which, if ever seriously put in practice, must drain our coffers, and ruin our trade.—It was rather a curious reason that had been assigned for the propriety of quarrelling with Russia, that we might render ourselves independent of that country in trade. And here were we to form connexions with Prussia and Poland to make them produce for us hemp and other articles, which they did not at present grow, and all in order to establish to ourselves the same, if not greater, dependence upon them than we had at present upon Russia. The present king of Prussia was a brave and generous prince. He gave the most flattering indications that he would be a great and philosophical monarch. His minister, likewise, was equally distinguished by talents and integrity. Both, he believed, were attached to the English nation. Though under such a prince, and such a minister, they had little to fear, yet, in the event of such dependence, they might reflect what they would have to expect from future kings and ministers, who might be differently disposed towards this nation. It had been stated, that the British navy was full of ardour, and ready to embark in any enterprise. No doubt could be entertained of the courage of the British navy, nor had any imputation been attempted to be thrown upon it. The British navy certainly formed the most gallant armament in the world; but this very circumstance ought to be a reason why their valour should not be wasted in vain and pernicious enterprise. They could not effect impossibilities. They could not convert shallows into deeps: they could not make sea of rocks. In 1757, when this country was very desirous, and had even pledged itself, to afford naval assistance to the king of Prussia, the measure was given up as impracticable, as it was deemed impossible, in the opinion of the most experienced admirals, to defend the Prussian coast by a fleet.—There was one circumstance which induced him to support the present motion, namely, that the king might, through the organ of parliamentary discussion, become acquainted with the sense of his people. His majesty was moderate in his views: the present violent measures could only originate with ministers. It was proper, therefore, that on a business of so much national importance, his majesty should be fully informed of the opinion of his subjects.

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The principal object in view on the present occasion, was, he believed, to put Prussia in possession of Dantzic and Thorn. When this circumstance had taken place, this country would be rendered completely dependent on Prussia; since it would throw the whole of the Polish corn trade between England, Holland, and that fertile country, entirely at the mercy of Prussia.—A most extraordinary pamphlet had been published, which was generally understood to be the work of our minister, and as such had gone over the whole of Europe. The principal points which it undertook to prove, was, 1st, that this country was the greatest in the world; 2dly, that we were the greatest commercial country in the world; 3dly, that we loved Poland excessively; 4thly, that we hated the king of Prussia; 5thly, that this was the time for taking in the king of Prussia, by forcing Dantzic and Thorn upon him: and, 6thly, that if we did not seize the present occasion of taking him in, we should not have another opportunity. These two last points had been made out upon the supposition that it was very much against the interest of the king of Prussia to obtain possession of Dantzic and Thorn; that the late king was very much averse to the measure; and that it was necessary to take advantage of the eagerness of the present monarch, in order to force the possession upon him, lest he should be induced to change his mind. Such cunning not to give it a harsher name, might at least be styled youthful. But perhaps, lord Godolphin, the duke of Marlborough, and lord Somers, who in 1727, had determined the protection of Dantzic to be an object of such importance to this country, might appear to the present ministry to be superannuated. Perhaps the late lord Chatham, who, in 1767, had given proofs of the same way of thinking, might appear in the same light; yet it was rather strange that, while we wished to establish a trade with Poland, we should be taking measures to deprive them of the only seaport which they possessed.—Armaments had lately been a source of the most enormous expense. No sooner had provision been made for defraying the expenses of one armament, than another had been announced. But, in the present state of the country, oppressed with debt, exhausted with taxes, whence were the future means of defraying these to be provided? They were to consider of their ability to meet the exigencies of the country. It no doubt would fall upon them to contribute a part of their fortunes. The noble members of that House possessed fortunes that the public might hope to be relieved by in a moment of real distress. The other house of parliament was formed of persons equal in every respect with the noblest peers. From those only the public supplies must soon be drawn. But what, in the mean time, was become of that valuable class of the community, those gentlemen of small fortunes in the country, who discharged the functions of magistracy and police? By the latest accounts it appeared, that they were almost driven from the exercise of hospitality, and were emigrating into town, in order to educate their children, and board as cheaply as possible. Every day it appeared that some house was breaking up. Those who attended to country concerns, must know that many men had already retired to other countries, borne down by the burthens heaped on them. Mr. Young, in his book, had actually stated his resolution of withdrawing to France, and had set forth the advantages thereof at large. There was still a body of rich farmers; but these depended entirely on the extent of their capital. Noble lords who were in lucrative offices, and lived luxuriously, could have no idea of the distress of the lower ranks of the people. The middle order of subjects were reduced to shifts and expedients; and the yeomanry, of whom our soldiers and sailors were made, were taxed till they had been deprived of all the comforts of life. It was owing to the extreme poverty, and consequent low living of the poor, that putrid fevers raged so much in the country. He traced the progress of the effect of taxation on the yeomanry, and stated that they had been deprived of one comfort after another, till at last they were reduced to such a state of wretchedness, that they had not only no comfort left, but scarcely the means of preserving existence. The price of salt, that useful and necessary article, was become excessively high. Beer, that innocent and wholesome beverage, already so often taxed, had lately been burthened with an additional imposition. Soap, candles, leather,; all these articles, so indispensable, had likewise received additional impositions. Formerly the poor could drink small beer, but even that was now

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denied them. Queen Anne's war had taxed it, the American war had taxed it, and the late naval armament war had taxed it. Tax, tax, tax, had been the perpetual resource of the minister, and he had pushed it so far, that there would shortly be no subject for taxation left. This he censured as an improvident use of the means of raising a revenue, and said it threatened to end in a national bankruptcy. The scheme of the sinking fund, indeed, he would always approve; but the sinking fund, he must observe, was the result of the labours of the late Dr. Price. He loved the man, and took that opportunity of doing justice to his memory. He had not left a worthier or a greater citizen behind him. If his religious opinions had given some cause of exception, it was only because they were not rightly understood. But though there was a sinking fund, where was the war fund? Where was the fund that was to supply the expenses of so many armaments? It was to be feared, that what had occurred to sir Robert Walpole, who had seized his own sinking fund, would again happen, and that some minister in a moment of alarm and exigency would seize upon the sinking fund, in which case the event must be a national bankruptcy.—As to the confidence which had been claimed by ministers, he could only say, that it belonged neither to parliament nor to the people; they knew not of it. The king alone ought to have it: he ought to judge of those who deserved it, before he employed them in the public service. The public ought not, and would not, attend to any thing, but to the mode in which measures were adopted, and the success which it was reasonable to expect would attend a measure. That House and the public looked to measures, and not to men. It was high time for the public voice to be attended to. It was too late to tell us that all these things should be left to the responsibility of ministers; the public had a right to be satisfied. He knew their rights long since, and they were now pretty generally understood. He did not want to go to the national assembly of France to know whether they were well maintained. The doctrine, that the public voice should be taken on war was old enough; their lordships' classical information furnished them with various instances. They must remember that, in the time of Tacitus, the people were called upon to assemble, to deliberate upon war. To this succeeded the age of Machiavel, when every thing noble was reversed, and public measures were supported by tricks, shifts, petty intrigue, chicane, lying and quibbling. But we were now come to an age where the plain, honest, common sense of the people, stared all political artifice in the face, and detected its petty shifts. How, under such circumstances, could the ministers dare to insult the people of this country? —The noble marquis concluded with saying, that he had told their lordships, if a war took place, where the burthen must lie; they must pay it out of their estates, for the people could not. In a good cause he had no doubt that they would be willing to do it; but he did not think that they would venture their fortunes to support a plan, which confided in an administration who could not say one word in their own justification.

Lord *Hawkesbury* opposed the motion, and insisted that all that the noble marquis had advanced went upon a wrong principle. He trusted that noble lords would not form their opinion on a Leyden Gazette, a Manchester resolution, or a political tale from the weavers of Nottingham. It was below the dignity of the representatives of this country to attend to any thing but established facts. Would the noble marquis, if he were in administration, found a motion upon such vague principles? Would he betray the secrets of the cabinet, at the call of any member of the House, whose arguments were founded on such slight reasons? He admitted the importance of the trade with Russia, but insisted that it was of still more value to the empress than it was to this country. It was true that we exported thither manufactured goods to a considerable amount, and imported from thence raw materials of value more than proportionate; but still, if an interruption of this trade were to take place, it would be felt with much more severity by the subjects of Russia than by those of Great Britain. The balance of trade was in favour of Russia; Russia therefore would not give up that advantage; and if she did, this country could not be any great loser; for as Russia could not do without our manufactures, if she had them not immediately from us, she must have them through the means of other countries. The profits of the exporter might be lessened, but the wages of the industrious manufacturers would not be diminished.

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With respect to the negociation now depending, he was completely ignorant; but he could not refuse his confidence to administration. He had witnessed their conduct in the late dispute with Spain; and as he could not refuse them his approbation in that instance, so he could not withhold his confidence whilst the present negociation was depending.

The question being put on earl Fitzwilliam's motion, the House divided: Contents, 27; Proxies, 2—29. Noncontents, 72; Proxies, 24—96. Majority against the motion, 67.

Debate on a Motion for granting to the Judges the Power of Franking.] May 9. Mr. *Yorke* rose to move for leave to bring in a bill to enable the judges to send and receive letters free of postage. This motion he founded on two grounds; 1st, the dignity of the judges which entitled them to every mark of consideration; and, 2ndly, their having frequent occasions, particularly on the circuits, to send and receive letters on public business. He spoke with great respect of the characters of the present judges, and said, that from the dignity of their office, their elevated rank, and a variety of other considerations, every possible mark of distinction should be paid to them. He mentioned, that the commander in chief, the adjutant general, and other military characters possessed the privilege, and therefore it appeared the more singular that the judges, to whom a variety of letters of an official nature were necessarily sent, should not have had the privilege extended to them. It might happen that the lord chancellor was not a peer, and the master of the rolls not a member of parliament, and yet their correspondence on official subjects might be extremely extensive; the propriety therefore of giving them the privilege of receiving letters free, and franking their own letters, seemed to him to be so obvious, that he could not foresee any objection to his motion. The only objection that could possibly be made to it, was, on the score of revenue; but that consideration would not, he conceived, weigh much against a proposition by which the revenue would be so little effected. He concluded with moving, "That leave be given to bring in a bill to enable the lord chancellor, lord keeper, or commissioners for executing the office of lord keeper of the great seal of Great Britain, the master of the rolls, and the twelve judges of England, for the time being, to send and receive letters and packets free from the duty of postage."

Mr. *Pitt* seconded the motion.

Sir *John Sinclair* did not rise to oppose the motion, but to suggest the propriety of extending the bill to the judges of Scotland. In point of revenue, the difference could be no object, and the principle was the same in respect to both parts of the kingdom.

The *Lord Advocate* supported sir John's proposition.

Mr. *M. A. Taylor* said, he felt how extremely unpleasant it was for any man to oppose a motion which professed to have for its object the doing honour to men of such high and respectable characters as the judges, but much as he regretted it, his duty must be performed. He greatly feared that the principle of the bill, if extended at all, must be extended much farther than it was meant to be. The privilege of franking he had ever understood to be the exclusive privilege of members of the two Houses of Parliament, and if it were extended to judges on account of their official characters, he saw not where to draw the line: justices of the peace, and various other descriptions of men, connected with judicial proceedings, would naturally expect the same privilege. He had paid particular attention to the subject, and spoke from information when he asserted, that scarcely any one of the judges paid above 3*l.* per annum for the postage of letters. Let gentlemen recollect the large addition made some years ago to the salaries of the judges. With regard to the point of dignity, did it add at all to the dignity of members of parliament to have the privilege of writing their names on a piece of paper? He begged the House to consider, whether, if the privilege of franking were extended to the judges, it should not likewise be extended to masters in chancery.

Mr. *Yorke*, in reply, said, he should be extremely sorry if, in consequence of any motion of his, any thing prejudicial to the judges should be suggested. With regard to the observations made by different gentlemen, it would be time enough when the bill should be brought in, and to go to a committee for the House to adopt any alteration or amendment that they thought proper.

Mr. *Paulet* thought the privilege of

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franking should be confined to members of parliament.

Mr. *Baker* thought that, in the present state of the revenue, no measure tending to abridge its receipt should be adopted: as it was, the privilege of franking, as they all knew, had gone to a very scandalous length.

Mr. *Pitt* said, he did not think, when it came to be stated as a question, whether the judges were not as fair objects for the distinction of the privilege of franking as any other description of men, that there could be any possible objection. In a pecuniary point of view the matter was so trivial, that it was no object.

Mr. *Burdon* did not think, in the present state of the revenue, that any extention of a privilege likely to diminish it would be prudent.

Mr. *Fox* said, that if it was merely on the score of distinction that the privilege of franking was wished to be extended to the judges, it ought to be remembered that the archbishop of Canterbury, and and some of the highest characters in the country had not the power of franking their letters during the interval between a dissolution of a parliament, and the choice of a new one.

Mr. *Martin*, so far from extending the privilege of franking, wished to see it contracted, being certain that it was shamefully abused. The advantage of corresponding with the most distant parts of the country, at so small an expense, was so great, that he thought no person ought to refuse to pay for it. He thought the privilege of franking a hardship on the public, and saw no reason why because A was a member of parliament, and chose to write to B, A's letter should go free. When the people were so heavily laden with burthens, he thought it extremely hard, that they should be deprived of the addition to the post-office revenue, that the abolition of franking would give; as the matter stood, the affluent reaped the benefit, while the poor paid postage.

Mr. *Hussey* said, he should oppose the motion, which was merely pecuniary. He was often ashamed of his own privilege, as a member of parliament, and would not agree to accommodate the rich, at the expense of the poor.

The House divided:

TELLERS.

YEAS { Mr. Charles Yorke - - } 38
{ Mr. Charles Long - - }

NOES { Mr. Baker - - - - - } 52
{ Mr. M. A. Taylor - - }

So it passed in the negative.

Report on the Public Income and Expenditure]. May 10. Mr. Ryder presented to the House of Commons, the following

REPORT from the SELECT COMMITTEE appointed to examine and state the several Accounts and other Papers, presented to the House in this session of parliament, relating to the Public Income and Expenditure; and to report to the House what has been the whole amount of the public income and expenditure during the last five years, and what may be expected to be the annual amount thereof in future; and also what alteration has taken place in the amount of the public debt since the 5th day of January 1786.

Your Committee have proceeded to consider the matter referred to them, under the several heads of income, expenditure, and national debt, and have thought it right to state separately under each of these heads, the result of their inquiries, as it applies either to the last five years, or to the expectations which may be formed for the future.

I.—INCOME.

PAST INCOME.—PERMANENT TAXES.

Sect. 1. The net produce of the different branches of the ordinary revenue (exclusive of land and malt) for each of the five years from the 6th of January 1786 to the 5th of January 1791, both inclusive, appears to have been.

1786.....£.11,867,055*
1787.....12,923,134
1788.....13,007,642
1789.....13,433,068
1790.....14,072,978

Sect. 2. Your Committee, observing that the report of the former committee, in 1786† has been referred to them, have

* After deducting 522,500*l.* of respited duties paid by the East India company.

† The following is a

COPY OF THE

FINANCE REPORT OF 1786.

March 21, 1786. Mr. William Wyndham Grenville presented to the House of Commons the following

REPORT from the SELECT COMMITTEE ap-

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thought it their duty, in considering the past income of the country, to compare the expectations then formed with the actual produce of the taxes upon which

pointed to examine and state the several Accounts and other Papers, presented to the House in this Session of Parliament, relating to the PUBLIC INCOME AND EXPENDITURE; and to report to the House what may be expected to be the Annual Amount of the said Income and Expenditure in future.

Your Committee having proceeded to the consideration of the matters referred to them by the House, have arranged the several papers relating thereto under distinct heads, containing the different articles of the Public Income and Expenditure. But before they enter on the first part of their report, they think it necessary to premise, that they have confined their examination to the present state of the revenue, as it appears either from the amount actually received in the periods contained in the papers referred to them, or from the best estimates which they could form of the produce of such articles as had not been brought to account in those periods, but compose, nevertheless, a part of the present income of the public. The large amount of taxes imposed since the commencement of the late war, in addition to the then subsisting revenue; the difficulties under which the different branches of our commerce laboured during the continuance of that war; and the great and increasing prevalence of smuggling previous to the measures recently adopted for its suppression, appear to your committee to render any averages of the amount of the revenue in former periods, in a great degree inapplicable to the present situation of the country: on the other hand, they did not think themselves competent to discuss the various contingencies which may in future operate to the increase or diminution of the public income. A revenue so complicated in its nature, and depending so much on the various branches of an extensive commerce, must always be liable to temporary fluctuations, even although no circumstances should arise to occasion any permanent alteration in its produce. Your Committee have, therefore, judged it proper to submit to the wisdom of the House this extensive consideration, and to state in this report the present amount of the public income, as resulting from the papers before them.

Sect. 1. The net produce of the different branches of revenue, paid into the exchequer, in the year ending at Michaelmas 1785, appears to have been as follows; viz.

Customs	£.4,520,820
Excise	5,282,342
Stamps	1,157,549
Incidents	1,360,809
Total	12,321,520

But your Committee find, that in this period there had been paid by the East India company a sum, for respited arrears of Customs, amounting to 401,118*l.*; which sum, as not resulting from the regular course of the revenue, is to be deducted from the total above stated.

The average net payment into the exchequer, for ten years, ending at Michaelmas 1785, of the duties imposed by the 6th of his majesty, on Houses and Windows, amounted annually to nearly ..... £.418,497

It appears, however, that the gross charge, according to the account laid before the House, of the last assessment for England, was only	401,397
But this account not including the returns from the surveyors of eight districts, your Committee have added a sum proportioned to the amount of the returns for those districts in 1784	12,805
Making in the whole	414,202
From which must be deducted the salaries of the commissioners, clerks, and surveyors, and the incidental expenses of this and all the other duties under the same management; the whole being charged to the account of this duty	19,916
And also the charges of management on this duty, amounting, at 6½*d.* in the pound, to	11,218
	31,134
The remainder will be	383,068
To this must be added the produce of the said duty, which may be expected from Scotland; the net payments of which amounted, on the average of 10 years, ending Michaelmas 1785, to nearly	5,871
Making in all	388,939
But the sum received on this head, in the year ending at Michaelmas 1785, appears to have been	435,128
The difference therefore between that sum and the amount at which the present produce of this duty is estimated above, must be further deducted from the amount of taxes received in the year ending at Michaelmas 1785.	
This difference is	46,189

It should be observed, that this account is framed on the assessments for the last year; and that no credit is taken for the surcharges, which will probably be much more than sufficient to balance the amount of discharges,

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they were grounded. The committee of 1786 proceeded upon a supposition that the permanent taxes then subsisting were likely to produce annually 12,797,471*l.* It

or other accidental deficiencies. These two sums of 401,119*l.* and 46,189, being deducted from the total receipt above stated, will leave a sum of 11,674,213*l.* To this are to be added the further sums which have accrued, or may be estimated to be the produce of any part of the present revenue, not brought to account in that period.

Sect. 2. It appears that the amount of the assessment on all inhabited Houses in England, for the year ending on the 5th of April 1786, under the act of the 24th of his Majesty, was ..... £.492,555
But the returns from the surveyors of eight districts not being included in this account, your Committee have added a sum proportioned to that assessed upon those districts in the half-year ending 5th April 1784 15,000

Total 507,555
To this must be added the assessment for one year in Scotland, which your Committee have estimated, on the assessment for the half-year ending 5th April 1785, at 16,533

Making in the whole .. 524,088
From which must be deducted the charges of management; which, at 6½*d.* in the pound, amount to 14,194

The remainder will be .. 509,894
No credit is here taken for surcharges. The whole sum paid to the receiver-general of the customs, on this head, and by him paid into the exchequer, in the year ending at Michaelmas 1785, was nearly .. 129,838
The difference therefore between that sum and the estimated produce of this duty, as above, must be added to the amount of taxes received for the year ending Michaelmas 1785.
This difference is 380,056

Sect. 3. It appears that the amount of the assessment on two-wheel and four-wheel Carriages, under the new mode of collecting those duties, was, for three quarters of a year, ending the 5th of April 1786 £.107,849
Add one-third 35,949

Assessment for one year 143,798

But the account of these assessments not including 14 returns, your Committee have estimated their produce (not thinking the assessments for the House Tax proper for this comparison by the proportion which the assessments for the Servants Tax in those districts bore to the whole assessments for that tax, when formerly under the same management under which the Carriage Duty is now placed:
This proportion gives a sum of .. 7,818

And the whole will then be .. 151,616
From this are to be deducted the charges of management, at 6½*d.* per pound, amounting to nearly 4,106

Which leaves the estimated net produce at 147,510
Add the produce to be expected from Scotland, taken at the average of three years net produce, under the management of the Excise, upon which however there may probably be some increase under the present mode of collection, as is the case in England 8,500

Total estimated produce of this duty for one year 156,010
The sum paid on this account into the exchequer, between Michaelmas 1784 and Michaelmas 1785, appears to have been 84,113
To which must be added, for three 5 per cents. payable thereon, pursuant to several acts of parliament 12,616

Total paid in that period .. 96,729
The difference, therefore, between that sum and the estimated net produce of the tax for one year, under its present management, must be added to the produce, as above stated, of all the taxes in the year ending Michaelmas 1785:
This difference amounts to 59,281

It is to be observed, that in this account also no credit is taken for surcharges.

Sect. 4. In the act of the 25th of his Majesty, for repealing the duties on Servants, and for imposing new duties in lieu thereof, it was provided, That 51,000*l.* of the produce of the duties so imposed should be carried to the account of the duties imposed in 1777; from the nature however of the assessments under that act, and the period of their commencement, no payment had been made on this account in the year ending at Michaelmas last; but there had been received, under the old mode of collection ..... £.21,041
Which sum, together with three 5 per cents. thereon, amounting to about 3,156

Makes 24,197
There remains therefore to be added on this account to the produce of

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appears, that those taxes according to the best information which your Committee have been able to collect, have produced:—

the excise, for the year ending at Michaelmas last	26,803
Sect. 5. The assessment of the duties on Horses, under the act of the 25th of his majesty, if taken for a year, amounts to —£.	134,230
And that of the duties on Waggons and Carts, under the act of the 25th of his majesty, if taken for the same period, amounts to	29,546
Making together	163,776
To which may be added, for 14 districts not returned, but estimated, on the proportion above stated with respect to the Carriage tax	8,904
The whole will then be	172,680
From which must be deducted, for charges of management, at 6½d. in the pound	4,677
Which reduces the estimated net produce to	168,003
Add for Scotland	10,000
The assessments not being yet come in, and that sum being nearly in the proportion of the payments on the Carriage tax from that part of Great Britain, computed as above: Total	178,003
And as it appears that there had been paid into the exchequer, on this account, in the year ending at Michaelmas 1785, for the duty on horses	106,853
And for the duty on Waggons and Carts	14,321
Making together, nearly	121,174
The difference must be added to the produce, as above stated, of all the taxes for that year. This difference amounts to	56,829

Sect. 6. In examining into the produce of the taxes imposed in the year 1784 (exclusive of the Horse tax) your Committee observe, that they had produced, in the year ending Michaelmas 1785, the sum of 482,042
But that in the year ending January 5th, 1786, the same taxes had produced 563,220

As it appears reasonable, in this instance, to consider the latter period as affording a juster ground for estimating the probable annual produce of taxes so recently imposed, they have added on this account, to the general amount received in the year ending at Michaelmas, a further sum of 81,178*l.* being the difference between the two sums above stated.

Many of these taxes can perhaps hardly yet be supposed to have paid a complete year's produce into the exchequer. Particularly it appears to your Committee, that in consequence of the act of last session for better collecting the duty on Game Licences, there has been actually received by the stamp distributors, between 5th January 1785 and 5th January 1786, the sum of £. 50,889
From this should be deducted the charges of collection (which your Committee find cannot be yet accurately ascertained, but which may be estimated at rather more than 5 per cent.) making about 2,500

The remainder will be somewhat above £. 48,000

But in the foregoing comparative statement, only 25,953*l.* is included in this account as paid into the exchequer in the year ending 5th January 1786.

The difference therefore, being about 22,000*l.* is to be added to the sum of 81,178 above stated; making in the whole about £103,000

Sect. 7. Your Committee next proceed to state such estimates as they are enabled to form on the information which they have procured respecting the produce of the taxes imposed in the year 1785. It was naturally to be expected that a very small part of such produce could have been received at the exchequer previous to Michaelmas last; whatever therefore may appear to be the further annual amount of those taxes, must be added to the other articles of annual receipt.

The amount of the assessment in England to the Shop Tax, for three quarters of a year, ending on the 5th of April 1786, is £.	55,481
Add one-third for the remaining quarter	18,494
Assessment for one year	73,975
Add for 14 districts not returned, but taken at the proportion which those districts bore to the remainder of the assessments for 1784, under the Window Duty 6 Geo. 3.	4,100
Total for England	78,075
Deduct charges of management, at 6½d. per pound	2,114
Remains	75,961
Add for Scotland, on the proportion taken above, under the article of the Window Duty 6 Geo. 3.	1,164
Total produce of the shop tax, no credit being taken for surcharges £.	77,125

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In 1786	£.11,836,531
1787	12,754,795
1788	12,812,952
1789	13,209,871
1790	13,782,393
Making upon an average	£. 12,879,308.

But if the reduction which has been proposed this session on different parts of this duty should be carried into effect, your Committee apprehend that it will diminish the above sum by about a sixth part thereof. They have therefore taken this article only at 64,271*l.*

The assessments on Male and Female Servants for three quarters of a year, ending 8th April, 1786, amount to	£. 91,424
Add one-third as above, nearly	30,475
Total	121,899
Add for 14 districts on the proportion which those districts bore to the whole assessments on Male Servants in 1780	6,627
Total assessment for England	128,526
Deduct charges of management, at 6½ per pound	3,481
Remains	125,045
Add for Scotland, on the proportion of the average remittance, for three years under the Excise	9,803
Total	134,848
Deduct, for what is ordered by act of parliament to be carried to the account of the taxes of 1777, and for which credit is taken above (Sect. 4.)	51,000
Remains, net produce of this tax	£.83,848

It is more difficult to form any estimate of the amount of the remainder of the taxes imposed in 1785. They are not collected by the mode of assessment; and the sums which they have hitherto produced, in the short period since they became payable, afford a very imperfect ground for judging of their future amount; especially as they are, for the most part, stamp duties, and as a considerable time always intervenes between the actual receipt of those duties in the distant parts of the country, and the time of their being remitted to the head office in London. It will obviously occur to the House, that this circumstance must render accounts of this nature particularly defective, when they relate to taxes so recently imposed. Your committee having pointed out the imperfection of these accounts, will proceed however to state the best computations they have been able to form thereon.

It is to be observed, that an alteration was made in the horse tax, in the session of 1786, by which persons of certain descriptions were exempted from it; and that in consequence, the assessment, which in the year ending the 5th day of April

The duty on pawnbrokers consists in an annual licence for exercising that trade, and took place on the 5th July 1785. There was paid at the stamp-office in town, and remitted from the country, on this account, in the period between July 1785 and February 1786, both inclusive, being eight months, a sum of .... £. 3,740

Your Committee have added, as an allowance for money to be received in town, and remitted from the country, in the remainder of the year 1,260

And have taken the produce of this duty at ..... £. 5,000

The tax on attornies consists in part of an annual licence for the persons exercising that profession, and in part of a duty on warrants for license to sue.

The tax took place on the 1st November, 1785, and in the month of November, 1785, there was paid on this account, at the office in town, the sum of 8,996*l.*

In the three following months there was paid in town, on an average, the sum of 979*l.* per month.

Nothing was remitted in the month of November from the country on this account. In the three following months there was remitted, in all, the sum of 1,080*l.*

Of the payments in town it appears that about 6,315*l.* arose from the produce of the annual licences in London, and about 1,283*l.* from that of annual licences for attornies in the country; amounting together to 7,598*l.* The remainder, amounting to about 4,301*l.*, was paid for the duty on warrants to sue.

If, therefore, the whole amount of annual licences to be received in town is taken at 8,000*l.*, and from 8,000*l.* to 10,000*l.* be allowed for the annual amount of warrants to sue, the whole produce in town would be from 16,000*l.* to 18,000*l.*

With respect to the payments in the country, the accounts do not distinguish how much of them has been received for the two different branches of this duty; nor is there sufficient ground to estimate the future remittances on the average of those in the three months included in those accounts; as it appears that the remittance in the last month is nearly equal to those in the two others. Your Committee however conceive that the whole of this duty, including the remittances from the country, may not improperly be taken at about 20,000*l.*

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1787, was 133,087*l.*, in the subsequent year fell to 101,284*l.* The accounts from the tax office calculate the diminution, by comparing the assessment of 1786 with that of 1789, and make it amount to 37,687*l.* Some allowance ought evidently to be made for this circumstance, in comparing the produce of the four last years with the expectations of the former committee. But, as a small part of this decrease may be supposed to have arisen, either from the operation of the tax in reducing the

On account of the Glove Duty there was paid at the head office in London, in seven months, ending February 1786	£. 3,410	
Which gives an annual produce of		5,845
There was remitted from the country in the four last of those months	1,075	
Which gives an annual produce of		3,225
Total		£. 9,070

Which your Committee conceive may be stated at 10,000*l.*, making allowances for the remittances not received from the country, and from Scotland.

In the act of the last session for reducing the allowance for waste on salt, it was directed that 12,000*l.* should be annually set apart under that head; your Committee have not the means of judging, from any accounts which they could procure, what may be the future amount of this duty under the new regulation, but have stated it at the sum taken in the act, which is 12,000*l.*

For the purpose of stating more accurately the produce to be expected from the additional duty on post horses imposed in the last session, as well as the old duty on post horses, and that on stage carriages (both of which were then consolidated with the new duty) your Committee called for the annexed return from the stamp office of the produce of the post horse duty imposed in 1780, from its commencement to the year 1785 inclusive.

From these returns it appears, that the total produce in London of the post horse duty imposed in 1780 was nearly 144,705*l.*, and that the sum of 408,143*l.* was remitted from the country in the same period.

The total produce of the new consolidated duty in London, for the six months, appears to have been 22,187*l.*, which is at the rate of 44,374*l.* a year; the annual produce of the same, including the country, according to the proportion above stated, would be 169,536*l.*; as, however, in the year ending at Michaelmas, 96,000*l.*, nearly appears to have been received under the old duty on post horses; and as in the same period it appears that about 23,000*l.* was received for the duty on stage carriages, these two sums, amounting to 119,000*l.* are to be deducted from 169,536*l.* in order to give the expected future produce, and will leave 50,000*l.*

Your Committee think it right further to observe, that an improvement has also been made in the revenue, in addition to the produce of the taxes of 1785, by the operation of the act of the last session for the better collection of the duty before subsisting on medicines.—It appears that the produce was no more than 1,592 in London, in the year ending the 1st August 1785, and that the produce in the same district was 6,088*l* 18*s.* 9*d.*, between the 1st September 1785, when the new law took effect, and the 11th instant; which is at the rate of 13,274*l.* a year.—It also appears, that the whole amount of the duty, in the year ending 1st August 1785, was 3,860*l.*, of which 1,592*l.* was paid in London, and 2,268*l.* in the country; supposing, therefore, the produce in town and in the country to bear the same proportion, the sum of 18,940*l.* nearly may be expected to be raised in the latter, which added to the sum of 13,274*l.*, expected in London, will amount to 32,185*l.*, from which deducting 5 per cent. for the estimated charges of collection, the remainder will be somewhat above 30,000*l.* The difference between this sum and 3,860*l.* (being the former produce) is about 26,000*l.*; this sum, if added to the taxes of 1785, as already stated, will make the whole amount to about 271,000*l.*, from which is to be deducted 6,175*l.*, so much having been paid in on account of the taxes of 1785, previous to Michaelmas in the same year. The remainder will be 265,000*l.* nearly.

Sect. 8. It further appears, by an act of the 1st of his majesty, Charles 1st, that a part of the sum assigned by act of parliament for the support of his majesty's household, to the amount of 12,000*l.*, is paid by the receiver-general of the Excise before the net produce of that revenue is paid into the Exchequer. This sum is therefore to be added to the head of receipt. And a sum of 2,000*l.* paid by the Alienation office is, for a similar reason, to be included in like manner. They amount together to 14,000*l.*

Sect. 9. The duties on land and malt, although they are annual grants, and form therefore no part of the settled revenue of the country, appeared to your Committee to be proper to be included in this report, especially as the services for which they are usually granted are hereafter inserted under the different heads of expenditure.

It appears that the whole produce of the land tax for seven years, ending at Lady Day 1782, being the last complete years of a four shillings aid,

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number of horses, or from the increase of evasions, which, from information given to your Committee, have been considerable, they have not thought proper to state any particular sum on this account.—Some farther allowance ought to be made

was	£.13,380,599
To which is to be added, being the amount paid on account of the militia in those years, previous to the payment of this duty into the exchequer, the sum of..... ...	392,954
Total.....	£.13,773,553
Average of one year.	£. 1,967,650

The produce of the malt duties for the same period was 4,319,069*l*, which would give an average of 617,010*l*. But in this period is included the year 1782, in which the produce of malt was uncommonly deficient. If the average were taken on the preceding six years, it would amount to above 657,000*l*.; but if it is stated as low as 632,350*l*., the whole amount of land and malt would be 2,600,000*l*. Your Committee having thus investigated the amount of the several articles of the public revenue, proceed to state in like manner the several branches of expenditure.

Sect. 10. The annual interest and other charges payable on the public debts, as they stood at the receipt of his majesty's exchequer, on the 5th of January 1786, amounted to 9,266,940*l*. In addition to this, the interest at 3*l*. per cent. on 1,000,000*l*. charged on the 6*d*. per £. on pensions, by the act 12 Geo. 1st, and the charges of management thereon, amount to 30,360*l*. The charges of management on 10,990,651*l*., 5*l*. per cent. annuities, funded in 1785, were computed at 6,182*l*.—These sums amount in the whole to 9,303,482*l*. But it appears to your committee, that since the time of making up the accounts which have been laid before the House on this subject, a diminution has taken place in the charges of management payable to the bank of England, to the amount of 24,853*l*. If a similar reduction may be expected in the charges of that part of the public debt which is under the management of the South Sea Company, the total saving will amount to 27,713*l*. Which being deducted from the above sum, leaves a remainder of 9,275,769*l*.

It is to be observed, that a part of the annual payment to the public creditors consists of annuities, which will gradually fall in at the expiration of the terms for which they were granted. Your Committee think it not improper to observe particularly that annuities, to the amount of 25,351*l*., will determine on the 5th April 1787.

Sect. 11. Your Committee called for an estimate of the expense likely to be incurred on account of a tax upon linens and stuffs imposed in 1784, which produced, in 1785, 27,655*l*., and which was also a part of the income upon which that committee grounded their expectations. This tax was repealed in 1785: and the *ad valorem* duty, under the head of exchequer bills, from the lords commissioners of his majesty's treasury. The future charge on this article, after the present year, is there estimated at 258,000*l*., subject to the observation therein stated.

Sect. 12. The sum charged on the aggregate fund, and payable at the exchequer for the support of his majesty's household, is 886,000*l*.; and there is further paid for the same purpose, a sum of 12,000*l*. at the excise, by an act of the first of his present majesty; and a sum of 2,000*l*. is paid at the Alienation office, and makes part of the civil list. These sums amount in the whole to 900,000*l*.

Sect. 13. Exclusive of any part of the interest, and of the charges of the public debts, and of the sum paid towards the civil list, there are other payments charged upon and payable out of the aggregate fund. They consist in part of annuities which will gradually cease; but your Committee, not judging it proper to form any estimate of such diminution, have taken the whole at the present amount thereof, which is 61,600*l*.

Sect. 14. It appeared by the papers referred to your Committee, relative to the several services of the navy, army, and ordnance, that the average of those services respectively, for the years 1766, 1767, 1768, and 1769, were as follows:

For the Navy, including the expense of Ordnance for Sea Service	£. 1,660,218
For the Army.....	1,516,631
For the Land Service of the Ordnance.....	287,165

The expense on these several heads for the present year appear, by the estimates now before the House, to be considerably larger; but your Committee observing that these expenses may be expected to vary, and that many particulars thereof must necessarily be reduced in future, have called for additional statements from the several offices; according to those statements, which are annexed to this report, the expected average expense of the several services above-mentioned, on a permanent peace establishment, appears to be as follows:

For the Navy, including the expense of Ordnance for Sea Service	£. 1,800,000
For the Army.....	1,620,000

But as in this estimate no credit is taken for the expected diminution therein stated, in the article of bills of exchange drawn from

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which was imposed in that year to replace it, having proved unproductive, was also repealed by the consolidation act in 1787.

Sect. 3. It appears that the committee of 1786, in addition to their calculation of the general produce of the permanent taxes, had made a particular estimate of what might be expected to be raised by certain duties, the future annual produce of which they considered as likely to be different from their actual amount in the

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the colonies and plantations, and in the half pay and Chelsea out-pension, Your Committee conceive themselves justified in taking the average expense of this department at 1,600,000*l.*

It is proper however to observe, that nothing is here allowed for the expense arising from the regiments in India; on which account, in the extraordinaries presented this session, there is charged a sum of 77,944*l.*, which is not included in the sum above stated. The East India Company being to pay a certain sum for every regiment in India, by an act of the 21st of his present majesty, this charge is in fact only a temporary advance, for which the public will have credit to an equal amount hereafter, whenever remittances are made from India, and the demands under that act are brought to account. The estimated expense for the land service of the ordnance is 348,000*l.* In stating the total of these services, your Committee think it necessary to take notice, that various charges are included, on account of half-pay, Chelsea out-pensioners, and other allowances of a similar nature, amounting in the whole to 683,325*l.*

Sect. 15. The annual charge incurred on account of the militia, for the years 1775, 1776, and 1777, the last three years of peace in which the militia was trained and exercised, appears, by the accounts referred to your Committee, to have been, on an average, 128,000*l.* nearly. But they conceive that, if the reductions which have been proposed in this session in the expense of this branch of the national service should be carried into effect, the whole will amount in future only to about 91,000*l.*; at which sum they have accordingly taken it, subject however to such variation as may arise from any alterations in the plan which is now under the consideration of parliament.

Sect. 16. The expense of the different articles usually included under the head of miscellaneous services is stated in the annexed estimate thereof (which has been received by your Committee from the lords commissioners of his majesty's treasury) at 74,274*l.*

Sect. 17. It appears that a part of the annual produce of the public revenue is not applicable to the payment of any part of the interest of the national debts, or of the general services of the country, but is appropriated to certain special purposes, not included under any of the foregoing heads of charge. The amount of the taxes so appropriated forms

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therefore another article of expenditure. They appear to have produced, in the year ending at Michaelmas 1785, 66,538*l.* There are some charges on the post office, and other offices of revenue, arising from different grants and acts of parliament, by which certain annuities are made payable thereon: but as these are issued at the different offices of collection, previous to the payment into the exchequer, your Committee have not brought them to account under the head of public expenditure; the sums by which they are defrayed not being stated on the other side as any part of the public receipt. The total of the several articles above stated, composing the whole of the annual expenditure of the country, amounts to 14,478,181*l.*

There are some additional articles, both of expenditure and receipt, of which your Committee think it right to take notice, though they have not inserted them in their Abstract, as considering them improper to be included in accounts of the permanent peace establishment of the country, and of its present annual revenue. The first article of this description, and probably the most considerable, consists of the additional demands which may be made for the service of the navy, before it is put completely on the footing on which the future peace establishment is calculated: these cannot be stated with precision; but it appears, from the account delivered by the navy board, that the probable amount may be from 1,200,000*l.* to 1,600,000*l.*

In this article no provision appears to be made for the present outstanding debt of the navy: your Committee find, that on the 31st of December 1785, it did amount to 2,537,764*l.*; towards the satisfying which there remained to be applied 825,275*l.*: remainder 1,712,489*l.* But it is stated, that from the delay in calling for payment of many of the charges of which it is composed, a floating arrear to this extent may generally be expected to subsist; and as it neither bears interest in its present shape, nor will require to be funded, it cannot occasion, either in present or in future, any addition to the annual charge upon the public.

Under the head of Miscellaneous Expenses, there may also arise some temporary exceeding beyond the annual amount stated by the Committee These, however, they conceive will for the most part either be occasional, or at least of short duration; but, from the nature of this head of expense, it is impossible to foresee with certainty the particular demands. The only article to which your Committee think it necessary, separately, to call the attention of the House, is that of

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year immediately proceeding. These duties were expected to produce annually 2,107,186. And have produced upon an average 2,122,600*l.* Notwithstanding the diminution of the horse tax.

ANNUAL TAXES

Sect. 4. Your Committee have hitherto confined themselves, in their statements, to the permanent taxes. With respect to those which are annually granted, the land tax, after deducting all the charges previous to its coming into the exchequer except the payments on account of the militia was calculated at 1,967,650*l.*

This estimate was formed upon the average produce of the aids for the seven years from 1776 to 1782, both inclusive, upon which the payments were supposed to be complete at the period to which the accounts before that committee referred. It appears, however, that, subsequent to this period, a sum of 34,106*l.* was received on account of the aids for the said seven years, which would have made an addition of 4,872*l.* to the average stated by them, and would have raised their calculation to 1,972,522*l.*

From the manner in which this duty is collected the accounts of the payments of the aids granted for the service of the years 1789 and 1790, cannot yet be made up, and there are still some small arrears on the aids of 1787 and 1788. Your Committee, however, think it right to observe that the sum charged annually upon the country, on account of the land tax, is exactly the same, and is subject to no other deductions (except the payments for the militia) than what arise from the poundage, which is also invariable, and from some other small charges, the fluctuations of which do not appear to have been such as to deserve particular notice. Whatever, therefore, may be the accidental variations in the times of payment, the real produce on account of each year must ultimately prove nearly the same. If your Committee had taken it at the full amount of the assessment, deducting only the poundage and the above charges, upon an average of the years 1786, 1787, and 1788 the result would have been 1,973,651*l.*

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the relief of the American sufferers; but it is not for the Committee to determine what sum parliament may think proper to allot for this purpose, either as temporary relief, or when the investigation of the several claims shall have been completed.

From what has been stated, the House will observe that no accurate estimate can be formed of the total sums which may arise beyond the average amount of the expenses before stated, and which may therefore require a separate provision. But upon the whole your Committee conceive that the means of defraying the expenses (exclusive of the average income above stated) may be expected to be sufficient for the purpose. In the first place, your Committee have taken no credit in the foregoing statements for the profits which may annually be expected from lotteries, whenever parliament shall think proper to avail itself of that mode of raising money. It appears that the profit on the lottery of last year was nearly 140,000*l.*, this alone would be an addition to the annual income, probably greater than the sum which would be added to the annual expenditure, even on the supposition of its being necessary to provide funds for the whole amount of the contingent expenses above stated.

A further sum may also be expected to arise, for some years to come, under the head of army savings. It appears, by the acts of appropriation in several sessions, that a variety of miscellaneous articles of this description, amounting in the whole to a very large sum, were brought in aid of the army services for several years after the conclusion of the war before the last. From the extent of the grants for army services in the course of the late war, similar savings may naturally be expected, and probably to a larger amount, as provision has recently been made for a more speedy investigation of all the depending accounts. A balance is also due from the East India company for the subsistence of troops in India, and on account of the victualling of the navy, pursuant to the 25th of his present majesty, c. 65.

The propriety of applying to public purposes a portion of the unclaimed dividends of the funds (consistently with the strictest regard to the security of the creditors of the nation) and the means of rendering the crown lands more beneficial than at present, are also objects which seem to fall under this consideration.

But, independent of the articles which have here been stated, your Committee trust that they shall not be thought to exceed the limits of the duty prescribed to them by the House, in observing, that the present subsisting taxes, if the due collection thereof could be secured by measures adequate to the purpose, would probably afford an ample provision for any deficiencies which may at any time be found, either in these resources, or in the particulars which compose the general income of the public; and would insure a permanent annual surplus, applicable to the reduction of the national debt, in such manner as the wisdom of parliament shall direct.

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But allowing a small sum for any casual loss it may be stated at 1,972,000*l.*

The malt tax was estimated at 632,350*l.*

The accounts of the actual produce of the several annual malt taxes appear complete only for the years 1786, 1787, and 1788.

The average produce paid into the exchequer, of the aids granted for the service of those years has been 597,171*l.*

FUTURE INCOME—PERMANENT TAXES.

Sect. 5. Your committee proceeded to consider what may be expected to be the future income of the country. And, in order to estimate the produce of the permanent taxes, they have not thought it necessary to go back to a more distant period than three years. The successive alterations which have taken place in various branches of the revenue, the material changes arising from the consolidation

ABSTRACT of the several Articles of PUBLIC RECEIPT and EXPENDITURE.

RECEIPT.		From Michaelmas 1784 to Michaelmas 1785.	From 5th January 1785 to 5th Jan. 1786.
	£.	£.	£.
Sect. 1. Total net payments into the exchequer, from Michaelmas 1784 to Michaelmas 1785	12,321,520		
Deduct therefrom,			
The respited duties paid by the East India Company .....£.401,118			
Excess beyond the future amount of the Window Duties 46,189			
	447,307		
		11,874,213	
1. Total net payments into the exchequer, from 5th January 1785 to 5th January 1786	12,499,916		
Deduct therefrom,			
The respited duties paid by the East India Company £401,118			
Excess beyond the future amount of the Window Duties 56,101			
	457,219		
		- - -	12,042,697
2. Further produce of the Window Duty imposed by the 24th Geo. 3.	- - -	380,056	253,534
3. Further produce of the duty on Two Wheel and Four Wheel Carriages	- - -	59,281	107,186
4. To complete the former duty on Male Servants	- - -	26,803	42,444
5. Further produce of the duties on Horses, Waggons, and Carts	- - -	56,829	73,610
6. Further produce of taxes imposed in 1784.....	- - -	103,000	22,000
7. Further produce of taxes imposed in 1785, including the improvement of the Medicine Duty	- - -	265,000	242,000
8. Paid at the Excise and Alienation Office, in part of Civil List.....	- - -	14,000	14,000
9. Produce of the Land and Malt	- - -	2,600,000	2,600,000
		15,379,182	15,397,471
EXPENDITURE.			
10. Interest and Charges of the Public Debt	9,275,769		
11. Exchequer Bills	258,000		
12. Civil List	900,000		
13. Charges on Aggregate Fund	64,600		
14. Navy.....	1,800,000		
14. Army	1,600,000		
14. Ordnance	348,000		
15. Militia	91,000		
16. Miscellaneous Services	74,274		
17. Appropriated Duties	66,538		
		14,478,181	14,478,181
Annual Surplus	- - -	901,001	919,290

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act, and from the commercial treaty with France, and the particular circumstances attending the preceding years, seem to make a more remote retrospect inapplicable to this view of the subject.

The produce of the permanent taxes, from the 6th day of January 1788 to the 5th day of January 1791, both inclusive appears to have been,

In 1788	£. 13,007,642
1789	13,433,068
1790	14,072,978
Making a total of	£. 40,513,688

Your Committee, however, think it necessary to remark that the account for the year ending the 5th day of January 1790 includes fifty-three days of weekly payment upon the letter money; that the account for the next year includes the same number of days of weekly payment upon the customs excise, stamps, and salt; and that the amount of the payment upon all those articles together on the 4th and 5th days of January 1791 has been 193,657*l.*

As this circumstance must recur rather oftener than in the proportion of once in every six years, if the above total had been formed upon the produce of six years, it would not have been necessary to make any deduction upon this account. But that total having been formed (for the reasons already stated) upon the produce of three years, only half the amount of that weekly payment, being a sum of 96,828*l.*, must be deducted, and would leave 40,116,860*l.*

The average of those three years would then be 13,472,286*l.*

It is also to be observed, on the other hand, that, in order to form as accurate a calculation as possible, some addition ought to be allowed for beyond this average, on account of whatever may be the excess of the taxes imposed in 1789, above what may be sufficient to replace the shop tax, which was repealed in that year.

It appears, that the actual receipt on account of those taxes, cannot be accurately ascertained; but if a calculation were to be formed, by deducting from the produce of the three last years what was received on account of the shop tax, and what is calculated to have been received on account of the duties imposed in 1789 and by substituting in each year what may be expected as the future produce of the last-mentioned duties, the result would be an addition to the average of between 20,000*l.* and 30,000*l.* But from the shortness of the period since they were imposed, the several accounts from the stamp and tax offices do not appear sufficiently clear and distinct, to enable your committee to state any precise sum upon this account.

A similar observation arises from the increase of the revenue upon the article of tobacco, since it has been put under the management of the excise; and though your Committee are here also unwilling to hazard any particular calculation, it may be supposed, from the papers referred to, that if this regulation, which took place only in October 1789, had existed during the whole of the three years, it would have added a considerable sum to the average above stated.

ANNUAL TAXES.—LAND TAX.

In considering what is to be taken on account of the land tax, your Committee have adopted the estimate already mentioned, for the reasons there given, and state it at 1,972,000*l.*

MALT DUTY.

The produce of the duty on malt, not being like that of the land tax uniform in its amount, can only be estimated from some former average. If this estimate were formed from its produce in 1786, 1787, and 1788, the result would be 597,171*l.*

But as the reasons which led the committee to confine their consideration of the permanent taxes to three years, do not apply to this, it may be proper to include a greater number of years in the average; especially as the produce of this duty depends so much on the variations of the seasons. If taken upon an average of the last complete five years, included in the account given in, it would amount to about 586,000*l.*

The total average arising from the permanent taxes, and the annual duties upon land and malt, exclusive of any additional allowance for the taxes imposed in 1789, or for the increase upon tobacco, would be, upon the above estimate,

Permanent taxes -	£. 13,472,286
Land tax - - -	1,972,000
Malt duty - - - -	586,000
	£. 16,030,286

Sect. 6. Your Committee are sensible, that any estimate which can be formed of

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the future produce of a revenue, arising from so great a number of articles, and necessarily varying with the fluctuations of an extensive commerce, must be liable in its nature to uncertainty. They think it right, however, to remark, that the average on which they have grounded their expectations, is formed upon a revenue which has been annually increasing;* and that a considerable proportion of this increase (as appears from the papers referred to) has taken place upon articles of general consumption; and particularly upon those to which the attention of parliament has lately been directed.

EXTRAORDINARY RESOURCES.

Sect. 7. Your Committee, having stated all that they think necessary to observe relative to the past or future produce both of the permanent taxes, and of those which, though annually voted form a part of the ordinary income of the country, have judged it proper, before they proceed to the other branches of their inquiry, to take notice of such extraordinary resources, exclusive of money raised by loans, as have arisen during the period referred to them.

There appears to have been applied to the public service,

From respited duties paid in by the East-India company..... 522,500*l.*
From arrears of aids of land tax granted prior to 1786..... 131,467*l.*
Ditto malt, ditto ..... 14,875*l.*
From sums remaining in the exchequer on the 5th day of January 1786 1,172,119*l.*
From imprest monies, and monies repaid 820,165*l.*
From money repaid on account of an advance for foreign secret service 34,000*l.*
From sale of French prizes..... 3,000*l.*
From army savings, and Chelsea pensioners ..... 1,091,147*l.*
And from profit on the annual lottery, 1,212,692*l.*

From the nature of the articles which have composed these extraordinary aids, it is evidently impossible to form any estimate of what farther receipt may be expected under such of those heads as can recur in future.

The repayment of imprest and other monies may still be supposed to yield some additional sums; but as these principally arise from the settlement of accounts for monies issued during the last war, this resource cannot be relied on for any length of time; and even while it lasts must be expected to become every year less productive.

The extent of the resource of a lottery which has become within these few years an object of increased importance) necessarily depends upon circumstances, which make it impossible to form any certain estimate of the profit to be expected from it: but there is no apparent reason to imagine, that, as long as parliament thinks proper to avail itself of this mode of raising money, it may not continue to furnish as large a sum in time of peace as it has lately produced. No notice is here taken of army savings, as they are allowed for, to a certain extent, in the army estimates.

II.—EXPENDITURE.

PAST EXPENDITURE.

Sect. 1. The total expense incurred in the last five years, under the heads of—Interest and Charges of the National Debt—Interest of Exchequer Bills—Civil List—Charges on the Aggregate and Consolidated Funds—Navy—Army—Ordnance—Militia—Miscellaneous Services—and Appropriated Duties appears to have been.*

For the year 1786..... £.15,720,543
1787 15,620,783
1788 15,800,796
1789 ..... 16,030,204†
1790 ..... 15,912,597†

Sect. 2. No precise estimate having been formed by the committee of 1786, of what might be expected to be the total expense of all those services previous to a permanent peace establishment, it is impossible to draw the same kind of comparison as to the expenditure, which your

* Permanent taxes, and land and malt, without any deduction on account of the fifty-third weekly payment.

5 years average .. £.15,618,775
4 years 15,917,205
3 years 16,062,562
2 years 16,311,023
Last year's income .. 16,630,978

* The expense of the armament of the year 1790, being a part of the charge of the year 1791, and having been separately provided for by parliament, is not here included.

The grants on this account, as far as they appear in the papers referred to, under the heads of—navy, army, and ordnance, have been 2,821,000*l.*

† Exclusive of the militia,

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Committee have attempted to do as to the income.

FUTURE EXPENDITURE.

Sect. 3. The next object pointed out for their inquiry, was the probable future expenditure, which they have stated in the same order.

The annual interest and other charges payable upon the public debts, as they stood on the 5th day of January 1791, including the interest on the stock which has been purchased by the commissioners, was 9,289,110*l.*

From this is to be deducted 14,000*l.* being the interest of the short annuities granted in 1789, because the fund from whence this interest is paid does not appear as part of the income, 14,000*l.*

There must be added, on the other hand, the interest on the tontine loan. It appears that, on the 5th of April 1791, 21,431*l.* was set apart in the exchequer to pay half a year's interest on that loan, but that the future annuity cannot be ascertained with perfect accuracy. Taking, however, the whole year's interest according to this proportion, it would stand at 42,862*l.*

The whole amount of the interest and charges would then be 9,317,972*l.*

Sect. 4. Your Committee called upon the lords commissioners of his majesty's treasury for an estimate of the expense likely to be annually incurred under the head of exchequer bills, upon the land tax, the malt duty, and the supplies. The future charge upon this article is stated by them at 260,000*l.*

Sect. 5. The sum charged upon the consolidated fund, for the support of his majesty's household, is 898,000*l.* and, together with 2,000*l.* which is paid by the Alienation office, before the neat produce of that revenue is paid into the exchequer, forms the whole of the civil list.

Sect. 6. The remaining charges upon this fund in the last year (exclusive of 4,000*l.* paid to his late royal highness the duke of Cumberland) appear to have been 105,385*l.*

Sect. 7. Your Committee called upon the different offices for estimates of the future annual expense of the navy, army, and ordnance; and, according to the statements received from them, it is calculated to be as follows, subject to the observations subjoined to those estimates.

For the Navy.....	£. 2,000,000
For the Army.....	1,748,842
For the Ordnance.....	375,000

Sect. 8. The annual charge of the militia during the only three years since the reductions in that branch of the national service for which the accounts are yet made up, appears to have been, upon an average, 93,110*l.*

But, by an estimate delivered in for the years 1789, 1790, and 1791, it is stated at 95,311*l.*

Sect. 9. The expected expense upon the articles usually included under the head of miscellaneous services, is stated according to the estimate received from the lords commissioners of his majesty's treasury, and amounts to 128,416*l.*

Sect. 10. The amount of the taxes which still remain appropriated for particular purposes, not included under any of the preceding heads of charge, appears to have been, upon the average of the three last years 40,252*l.*

Sect. 11. The sum directed to be issued in each year, to the commissioners for the reduction of the national debt, is 1,000,000*l.*

The total of the sums above stated, is 15,969,178*l.*

Sect. 12. It does not appear to your Committee, that it fall within their province to consider what other extraordinary expenses, not included in any estimate before them may occur in a course of years, as the nature and extent of such services depend upon circumstances which cannot be foreseen, and must be decided upon by the wisdom of parliament, as the occasions arise.

The only article of this nature which has been brought distinctly under the view of your Committee is, the amount of the money remaining due upon the principle and interest of the American and East Florida claims, which has been directed by parliament to be paid by instalments.

The principal appears to have amounted, on the 10th of October 1790, to the sum of 1,546,062*l.*, exclusive of the interest payable half yearly upon such part of it as remains undischarged, and exclusive of such further annual payments as are made for the temporary support and pensions of American loyalists, the present amount of which appears to be 54,211*l.*

As, however, in the estimate of the income of the country, no credit is taken for any aid from a lottery, or from any incidental payments, those additional re-

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sources may be considered as applicable towards defraying this and other charges of the like description.

COMPARATIVE STATEMENT OF INCOME AND EXPENDITURE.

Sect. 13. Your Committee have hitherto stated the result of their examination respecting the past and future income and expenditure, considering them in the same view, and arranging them under the same heads, as the former committee. These heads appear to comprehend all the articles which are necessary to be included on each side of the account in that view of the subject.

But in order to ascertain, with as much precision as they were able, the means by which the whole amount of the public expense, during the last five years, has been defrayed, they have thought it necessary to consider the income and expenditure of that period in another point of view, for the purpose of forming such a comparative statement of their total amount as may render the account as distinct as possible, according to the several heads of service under which money is issued from the exchequer.

The total produce of the permanent taxes, for the five years has been 65,303,877*l.*

There was received from the East India company in 1786, on account of duties due before that time, the payment of which had been postponed 522,500*l.*

The whole sum of 2,750,000*l.* raised upon the credit of the land and malt tax acts, is actually received from the bank in each year. Exchequer bills to this amount are made out, and deposited from time to time with the bank; and the sum by which the produce of those duties paid into the exchequer, up to the time of settling the respective accounts with the bank, falls short of repaying both the principal and interest of such exchequer bills, is paid over at such time to the bank, and is annually stated as an article of expenditure, under the head of deficiency of land and malt. It will be inserted as such on the other side of the account now to be formed; and it is evident, therefore, that in this view of the subject, the full sum so raised must be taken as a part of of the receipt for the last five years 13, 750,000*l.*

Arrears of land tax 171,166*l.*

Arrears of malt-duty 16,489*l.*

These are sums received at the exchequer subsequent to the period at which the respective accounts were closed with the bank, and the balance paid, and therefore form a part of the public income. in addition to the whole annual sum of 2,750,000*l.*

The whole sum raised by way of lottery is placed upon this side of the account; the amount of the prizes, and of the charges of management, being stated as an article of expenditure 3,758,724*l.*

Imprest monies, and monies repaid 820,165*l.*

It appeared, upon examination, that the whole of the sums contained in the papers referred to under this head were applied to the public service of the years in question, either by specific votes, or by being carried to the consolidated fund, except 100,000*l.* paid by the East India company in part of the 400,000*l.* voted for the supply of 1781, and 5,000*l.* which belonged to the civil list. The remainder, after deducting both these sums, forms the total above stated.

Monies in the exchequer on the 5th of January 1786, 1,172,119*l.*, which were applied to the public service in that and the subsequent year, as appears by the explanation subjoined to the account referred to.

It appears further, that there have been applied, as part of the ways and means, during this period, the following sums:

Arising from army savings ....£.	1,091,147
Raised by way of tontine.....	1,002,140
Raised by granting short annuities	187,000
Re-payment in part of a loan for foreign secret service.....	34,000
Arising from the sale of French prizes.....	3,000
The total amount of the receipts appears to have been	87,832,327

It is to be observed, that the annual exchequer bills, furnishing in the ways and means exactly the same sum by which they increase the charge on the supply, are omitted on both sides of the account.

The first great article of expenditure, is the interest and charges of the public debt; and it appears that there has been issued from the exchequer, during the last five years, under that head the sum of 46,187,010*l.*

The charges upon the aggregate and consolidated funds have been on account of the civil list 4,481,000*l.*

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And upon sundry other accounts 474,751*l.*

The sums granted by parliament (exclusive of the armament of 1790) for the service of the navy, have been 11,649,539*l.*

Of the army 9,639,626*l.*

And of the ordnance 2,308,344*l.*

The expenses incurred under the name of Miscellaneous Services include a variety of articles of different descriptions, and among them some of those which have been already stated as appearing on both sides of the account; your Committee therefore, have thought proper to distinguish them under several heads.

It has been already observed, that the deficiencies of land and malt are annually stated as articles of expenditure, and would be inserted on this side of the account; and the manner in which they arise has been sufficiently explained. It must, however, farther be remarked, that the ways and means are usually opened to parliament, and the committee of supply closed, some months before the accounts with the bank, relative to the exchequer bills issued upon the credit of those duties are actually settled. This deficiency, therefore, is then only stated upon calculation; and, as its real amount, whatever it may prove, must be paid out of the supplies of the current year, it follows that if it should turn out more than the calculation, it would be one cause of a deficiency in the whole of the grants for that year. If it should be less, it would either occasion a surplus of those grants, or diminish by so much any deficiency which might arise from other causes.

The sum stated by your Committee is not the estimated, but the actual deficiency of land and malt; and as this is in part occasioned by the expense of the militia, the whole of which is paid out of the land tax before it comes into the exchequer, no separate charge is made for that branch of service in this statement of the account.

The sums stated under the head of Interest and Charges of Exchequer Bills, in the paper referred to, are the amount of the interest paid out of the supplies in each year respectively upon exchequer bills issued by virtue of acts passed in the preceding year. As it has been the constant practice not to make any provision for this interest beforehand, either a part or the whole of this expense (according to the excess or deficiency of the ways and means, compared with the other charges upon the supplies) is thrown upon the year subsequent to that in which it is actually paid, and appears annually under the head of deficiency of grants. From what has been just observed, it follows. that, in addition to the charges incurred during the last five years, and stated in this account as the interest of exchequer bills, any sum which was paid in the year 1786, to make good the deficiency of grants in 1785, must be inserted amongst the expenses defrayed out of the ways and means of that period.

It appears equally evident, that any sums voted under the head of deficiency of the grants of any of the succeeding years, must be omitted in this statement of the account, as all the services of each year (including what is paid for the interest of exchequer bills and for the deficiency of land and malt, as above explained) are stated at their full amount under their proper heads, as articles of expenditure.

It is necessary, however, here to observe, that the interest of exchequer bills paid in 1790, will be provided for in 1791, under the head of deficiency of grants of the preceding year, and will account for a difference, to that amount between the apparent receipt and expenditure of the whole five years.

Having premised these remarks, your committee proceed to state the deficiencies of land and malt at 2,033,764*l.*

The deficiency of grants of the year 1785 at 127,138*l.*

And the interest and charges of exchequer bills, issued on the credit of the supplies at 914,144*l.*

The amount of the prizes in the lotteries of the several years, and of the charges attending them, has been 2,546,032*l.* and requires no particular explanation.

The expense incurred upon those articles of miscellaneous services, which were expressly stated by the former committee, has been 507,580*l.*

Other miscellaneous articles, consisting principally of incidental or temporary demands have amounted to 929,676*l.*

The total expense occasioned by the relief of the American loyalists appears to have been 1,336,377*l.*

Your Committee have omitted a sum of 33,890*l.* for the purchase of lands at sundry places, as it is included in the ordnance account. They have also thought proper to leave out in this place a sum of

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112,101*l.* stated as the deficiency of the consolidated fund on the 5th day of January 1789, being the sum which was then wanted to compleat the quarterly issue to the commissioners for the reduction of the national debt, and which was defrayed out of the supplies of that year; because the sum of 4,750,000*l.* which is inserted below, is the full amount of all the quarterly issues under this head, and consequently includes as a part thereof the sum of 112,101*l.* above stated.

The whole produce of the appropriated duties having been comprehended in the total produce of the taxes, such part of it as has been applied to the services to which they were appropriated, and which do not appear in this statement of the account, must be considered as an article of expenditure: this has been 231,935*l.*

The sum issued to the commissioners for discharging the national debt has been, as above stated 4,750,000*l.* exclusive of what they have received from the interest of stock bought, or of annuities expired or fallen in.

The total expense under all these heads amounts to 88,116,916*l.*

But the total receipt for the last five years is stated to have been only 87,832,327*l.*

To this will be to be added (for reasons already explained) the amount of the deficiency of grants for 1790, which remains to be defrayed out of the ways and means of 1791, 207,728*l.*

The total, applicable to the expenses of the five years, will then appear to have been 88,040,055*l.*

There will be then left unaccounted for a sum of 76,861*l.*, by which the disbursement will have exceeded the amount of the several articles of receipt which it has been possible in this statement to ascertain.

It would certainly have been more satisfactory if the totals now drawn up had been found to tally with perfect accuracy. It must, however, be recollected, that the accounts referred to your Committee include a period when the revenue was encumbered with a variety of minute appropriations; and although the change made by the consolidation act in the course and practice of the exchequer, has simplified the accounts since the time when it took place, yet the intricacy of the former system has probably rendered it difficult precisely to ascertain the sums brought forward, under different heads, from an antecedent period; and that difficulty may be supposed to have been in some measure increased by the interval of time which has now elapsed since that system was altered.

Sect. 14. In order, however, to throw still farther light upon this part of the subject, your Committee have thought proper to add a brief statement of the account in a different point of view.

For this purpose they have stated as the income the several surplusses of the sinking and consolidated funds, as they stood at the end of each quarter, from the 5th of April, 1786, to the 5th of January 1791, both inclusive; and such farther sums as appear in the ways and means of each year, taken from the accounts laid annually before parliament, showing how the money given for the service of each year respectively has been disposed of. The expenditure is composed of such sums as have been charged in each year, in consequence of the grants of parliament, excluding only (for reasons above stated) such as have been voted in 1787, 1788, 1789, and 1790, under the head of deficiencies of the grants of the years respectively preceding. In this manner of stating the account, no notice is taken on either side, of the fixed charges upon the income, or of the revenue by which they are defrayed; but the principal of the annual exchequer bills, and the deficiencies of the annuity funds, are included on both sides. These deficiencies were sums, which prior to the Consolidation act, were annually made good, out of the sinking fund, to the various other funds appropriated to the payment of particular annuities, and replaced to that fund out of the supplies of the subsequent years.

It appears by the table referred, to that the whole receipt for the last five years (so stated) has been 62,519,440*l.* To which must be added 176,347*l.* being the sum wanting, on the 31st day of December, 1790, to make up what had been granted as the growing surplus of the consolidated fund, up to the 5th of April, 1791, to defray the services included on the other side of the account.

And a farther sum of 207,728*l.* under the head of Deficiency of Grants of 1790, being that by which the whole of the ways and means granted for the service of that year falls short of defraying

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the expenses incurred in the course of it.

The total will then be 62,903,515*l.*

The amount of the grants for the same period appears to have been 62,903,519*l.*

The difference between the totals, which may be supposed to arise only from fractions, may be entirely overlooked.

Sect. 15. Your Committee, desirous of ascertaining in what manner the difference between the receipt and expenditure as first stated, has arisen, by all the means which occurred to them, proceeded to examine the disposition papers of each year; and have taken the surplusses of the sinking and consolidated funds (as before) for each quarter, from the 5th of April 1786, to the 5th of January 1791, both inclusive; deducting only the sums carried to them to make good the annuity funds, which do not appear as articles of expenditure.

As these surplusses arise after defraying the interest of the public debt, the annual million, the civil list, and all other permanent charges upon these funds, the whole of which must have been paid as they became due, at the expiration of each quarter, before any surplus could be applied to the current service of the year, it is evident that the total income arising from the permanent taxes, and other articles, carried, during this period to the sinking and consolidated funds must have exceeded the amount of those surplusses by a sum equal to the amount of the charges above enumerated.

Adding, therefore to these surplusses, the charges above stated—the amount paid out of the appropriated duties for the purposes to which they are respectively appropriated—the sums separately voted as the ways and means of each year exclusive of the principal of the annual exchequer bills—the sum wanted on the 31st of December, 1790, to complete the total for which the growing surplus had been taken, up to the 5th of April 1791—and the deficiency of grants, 1790, the total will be 88,116,918*l.*

In order to examine the expenditure in a similar manner, your Committee have taken the totals stated in the disposition papers, as granted by parliament, as the whole amount of the supplies, deducting only the principal of the annual exchequer bills—the deficiencies of the annuity funds—the deficiencies of grants for every year, except 1785—and the deficiency of the consolidated fund on the 5th of January 1789.

To this they have added the interest of the public debt—the charges on the aggregate and consolidated funds, including the civil list—the quarterly payments to the commissioners for discharging the national debt—and the produce of the appropriated duties, as above stated; being articles of expense which are not included in the annual grants of parliament.

The total of these sums appears by the papers referred to, to be 88,116,926*l.*

Which agrees almost exactly with the whole amount of the expenditure, already stated in a different manner, and is an additional proof that there can be no error, which deserves notice, on this side of the account.

The coincidence between the income and expenditure, as here stated sufficiently proves that the difference which appeared in the former statement must have proceeded from the omission of sums, to the amount of that difference, on the receipt side; and the cause from which such an inaccuracy may be supposed to have arisen has already been mentioned.

III.—NATIONAL DEBT

Your Committee find, that there has been applied to the discharge of the public debt, during the period referred to them a sum of 4,750,000*l.* arising from the quarterly payments directed by parliament: and a further sum of 674,592*l.* arising from the interest of stock bought, and of annuities expired or fallen in; making together a sum of 5,424,592*l.*

The only increase of the funded debt, during the same period, which is to be set against the above decrease has been occasioned by a loan raised by annuities with the benefit of survivorship.

The capital so raised was 1,002,140*l.*

A farther sum of 187,000*l.* was raised by short annuities in 1789, of which 34,000*l.* has been since repaid. But as this loan, which was intended to replace a sum advanced for foreign secret service, is to be repaid by instalments, in such proportions as will be equal to the sums necessary for discharging both the principal and interest by the time at which the above-mentioned annuities are to determine, it did not appear to your Committee of a nature to be stated as an increase of the national incumbrances.

In comparing the outstanding debt of

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the navy, on the 31st of December, 1785, and on the 31st of December 1790, there appears to have been an increase of 105,530*l.*

On the 31st of December, 1789 there had been an increase of 657,950*l.* But in the year 1790, a sum of 200,000*l.* was granted by parliament towards discharging this debt, and has been included in the statement of the expenses of the five years which would have reduced the increase to 457,950*l.*

Your Committee think it necessary to remark, that, from information received from the navy board, the apparent decrease which has taken place in the year 1790 beyond what can be accounted for by the grant of 200,000*l.*, appears to have been in part occasioned by the circumstances attending the late armament, and the sums voted for defraying it.

Credit has been taken, in making up this account, for so much of those sums as was intended to replace the stores delivered out in the course of the last year, which apparently diminishes the debt, till that service has been fully performed. Some of the works proposed in the extra estimate of 1790, having been necessarily suspended, in consequence of the exertions for the armament, left a part of the sum voted on that estimate applicable, in the course of that year, to the reduction of the debt.

A farther sum arose from the additional expense of the armament having been stated as including the purchase of hemp and other articles, which, although immediately necessary for the extraordinary preparations then made, are stated to have been in fact defrayed out of the grants of parliament for the current service of the navy. Your Committee, therefore, having reason to believe that the great apparent decrease of the debt durring the last year would have proved only temporary (even if the navy had continued this year upon the usual establishment), have thought proper to state the increase of the period referred to them, by comparing the state of the debt on the 31st of December, 1785, with that of the 31st of December, 1789; and, by deducting from this increase the sum of 200,000*l.* voted by parliament, it would then stand at 457,950*l.*

The deficiency of the grants of 1790, which falls upon the revenue of 1791, is 207,728*l.*

But the deficiency of grants of 1785, which was defrayed out of the income of 1786, was only 127,138*l.*

The difference, therefore, must be added to the increase of the debt in the whole period, and makes a sum of 80,590*l.*

There appears by the ordnance account to have been, on the 5th of January, 1791, a sum due, for articles not provided for by parliament, amounting to 61,909*l.* which has been since voted, and must be considered as a part of the debt incurred in the five years preceding.

The whole excess of the sum applied to the discharge of the public debt, beyond those by which it has been increased (during the last five years) appears to have been, according to the above statement 3,822,003*l.*

The amount of the unfunded debt arising from the exchequer bills annually issued by the authority of parliament upon the credit of the supplies, is 5,500,000*l.*, being the same as at the commencement of this period, exclusive of those issued in consequence of the late armament, which are charged upon taxes appropriated to that purpose, and not included in the statement of the future income of the country.

The amount of the exchequer bills annually issued on the credit of the land and malt, which are now outstanding, is not stated by your Committee as a part of the unfunded debt, because money applicable to the discharge of those bills is constantly in a course of collection, and no other charge is occasioned by them to the public, except the annual interest, which is already stated as a part of the future expenditure.

It is farther to be observed, that, in the year 1786, the growing produce of the sinking fund was taken up to the 5th of April, 1787, which included the surplus of five quarters, and appears to have been for the time an anticipation, to a certain extent, of the revenue of the subsequent year; and that the growing produce of the sinking and consolidated funds has, since that time been taken from April to April. The surplus of the consolidated fund had produced, on the 31st of December, 1790 (being the day on which the account of that fund was made up) within 176,347*l.* of the whole sum for which it had been taken, up to the 5th of April, 1791. This sum, therefore, was, on the 31st of December, 1790, all that remained of the amount of that anticipation. Your

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Committee having called for an account of the produce of the taxes from that day to the 5th of January, 1791, find that it amounted to 200,468*l.*

If, therefore, the balance had been struck upon the consolidated fund account on the 5th of January, in 1791, as was done in 1786 (instead of so many days earlier than usually happens in the course of the exchequer), the produce of the three last quarters would have been rather more than sufficient to make good the whole charge on the growing produce of that fund for the supplies of the year 1790, without any anticipation.

Your Committee beg leave also to remark, that an alteration was made with respect to the time of payment of certain annuities, by an act of the 26th of his present majesty, cap. 34. One quarter was paid on the 10th of October, 1786, and the future payments were directed to be made half-yearly, on the 5th of April, and the 10th of October. By this change the public availed itself, in that year, of the amount of one quarterly payment upon these annuities, which would have been payable on the 5th of January, 1787 (in addition to that issued on the 10th of October), which quarter was not afterwards to be paid till the 5th of April, 1787; and, on the other hand, the public became bound, for the future, to pay, on every 5th of April, half a year's interest, being in fact an advance of one quarter, which would not otherwise have been payable till the 5th of July following. The result of this is, that, on the 5th day of January, 1791, there had been paid, upon the whole, one quarter less, on account of the interest of these annuities, than would have been issued if the abovementioned alteration had not taken place.

It is farther to be observed, that the abolition of all the distinct appropriations and the charging all the quarterly issues for the interest of the public debt on one general fund, to which all the permanent taxes are carried, has produced the effect of making the whole amount of the revenue in the exchequer applicable, at the end of each quarter, to the discharge of the demands then existing; whereas, under the former system, that part of the revenue which consisted of taxes distinctly appropriated to the payment of the interest of particular annuities, could only be applied to the half-yearly payments on those annuities; in consequence of which, there remained, at the expiration of each quarter certain sums of this description useless, till the expiration of a subsequent quarter.

The capital stock bought by the commissioners for discharging the national debt, up to the 1st day of February, 1791 (being the day on which they made up their accounts of the application of the sums issued in the preceding year), was, 6,772,350*l.*

The annual interest of the same is	£.203,170
To this must be added, the present amount of the annuities expired or fallen in, which appears to be	51,634
Both together make a sum of	254,804

which is at this time an addition to the million annually applied to the reduction of the national debt, resulting from the adoption of the plan for that purpose, and now increasing at compound interest.

ABSTRACT of the several Articles of the PUBLIC RECEIPT and EXPENDITURE.

RECEIPT.		
*Permanent Taxes	£.13,472,286	
Land and Malt	2,558,000	
		16,030,286
EXPENDITURE.		
Interest and Charges of the Public Debt	9,317,972	
Exchequer Bills	260,000	
Civil List	898,000	
Charges on Consolidated Fund	105,335	
Navy	2,000,000	
Army	1,748,842	
Ordnance	375,000	
Militia	95,311	
Miscellaneous Services	128,416	
Appropriated Duties	40,252	
Annual Million	1,000,000	
		15,969,178
Balance		£.61,108

Debate on Sir Gilbert Elliot's Motion for the Repeal of the Test Act in Scotland.] May 10. The Petition of the Committee of the General Assembly of the Church of Scotland presented on the 18th of April, praying for the repeal of the Test Act as far as it applies to Scotland; and also the act of the 25th Charles 2d, for preventing dangers which may

* Calculated upon the average produce of the three last years, and exclusive of any additional allowance for the taxes imposed in 1789, or for the increase upon tobacco.

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happen from Popish Recusants, having been read,

Sir *Gilbert Elliot* begged to state the origin of the petition, in order to do away every opinion that the present application had arisen from party or political views. It had originated, he said, from the suggestion of an individual in Scotland, a private character, but a man of learning, and highly esteemed for his private worth. It was a minister of the kirk of Scotland, biassed by no party motive, but liberal and attached to religious toleration, who had been induced to submit the proposition he had made to the general assembly of the kirk of Scotland, in consequence of an observation on the last debate for the repeal of the test act. In that debate he had observed that the objection to the repeal was most forcibly urged upon two grounds, which appeared to him to be conclusive in favour of an application from the professors of the doctrines of the kirk of Scotland, to be relieved from the English test; and thinking it a favourable opportunity for an application, he communicated his opinion to another clergyman of the kirk, and with him drew up an overture, and presented it to the general assembly. That overture met with the reception it merited, an ample discussion; the result of which was, as might be expected, an unanimous approbation of referring it to the general committee to carry into effect the application the House had just heard read.—The hon. baronet argued from the unanimity of the general assembly, that the question was not a question of party, but rested wholly on its own merits. The application was couched in the most respectful terms; and though they had had many opportunities of joining their cause to that of persons of a different description, they had confined their representation to their own grievances. It might be urged against the application, that the assembly of the church had travelled out of the strict line of their duty, in representing what might be considered a civil grievance; but he contended that it was a religious, as well as a civil grievance; for both could not be enjoyed by professors of the kirk: if they enjoyed the civil, they must abandon the ecclesiastical; and if they enjoyed the ecclesiastical, they must abandon the civil, or render themselves liable to the penalties of not complying with the test. Their application for redress of this civil grievance, interwoven with the ecclesiastical grievance, was, in his opinion, a preferable mode to the convening county meetings to co-operate with them, since it showed their moderation, and was an additional proof that they were not urged on by party motives. Sir Gilbert stated, that the committee had applied by letter to the chancellor of the exchequer, and to the lord advocate, but had not from the former received any answer, though from the latter they had received a discouraging one: this discouragement he did not expect to hear urged as a reaon against their pressing their application, since the right of any of his majesty's subjects to petition against a grievance, depended not upon the approbation of ministers, or any man.—It would be unnecessary for him to enter, at any length, into arguments in support of the motion he should submit to the House, as a similar subject had been some time since fully discussed; and in the present session, by a bill that had gone through that House (the Roman Catholic relief bill) a proof had been given to the world that they possessed tolerant and liberal opinions. He would therefore confine himself to two principles, first, that religious persecution was now disclaimed in all parts; and secondly, that pain, or restraint, was unjust for religious opinions merely considered as such. Those few who still retained any particle of the spirit of religious persecution were obliged to shelter their opinions under civil policy, and the public good; for the true spirit of religion was now too well known to suffer the spirit of persecution to appear; and the attributes of the divine goodness were also too well known for an idea to be entertained that merit would be found in his sight by our afflicting each other. By authority, men might be induced to disguise their opinions, but authority had no hold over the mind. Persecution had made hypocrites and martyrs but never yet made a convert. Open persecution was now unknown, but its smaller branches were justified occasionally under a provision for public safety, into the justice of which principle he would not then enter, as it was immaterial to his object; on the contrary, he would admit, for the sake of argument, that it was a right in government to lay them under civil restrictions for religious opinions: in return for which he should ask to have it granted to him, that a government had no right to persecute for religious opinions,

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but where those opinions were known to be dangerous to the state. It was not his intention to enter into a discussion of abstract rights; he was warranted, however, in contending, that no citizen ought to be abridged of his rights in any case but of absolute necessity; when that necessity ceased, the restriction became oppression. It was not the business of any one to prove that he ought not to be restricted in his right, the *onus* lay on the other side; for the necessity ought to be proved by those who imposed the restriction. On the two propositions which he had stated, he rested his cause, and would only assert, shortly, that Scotland was restricted of rights without any ground to prove that the possession of those rights was dangerous to the state; and that she was abridged of the privileges without any ground of necessity. By law, and by treaty, Scotland had a separate church and a separate religion, essentially different from the church of England; by the treaty of union the subjects of both countries were to have a free communication of right throughout the united empire: but how had they such free communication of right? If the test act was suffered to apply to the members of the kirk of Scotland, they were injured in both their civil and religious rights, for they could not enjoy both. Here the hon. baronet said he stood upon ground, and called upon his adversaries to prove that Scotland had not a right, both by treaty and by law, to enjoy her civil and religious privileges in equal participation with the subjects of England. It was a natural and a laudable ambition, to be desirous of taking a part in the affairs of our country; it was an ambition that ought ever to be encouraged, for by that ambition was produced the activity and energy essentially necessary for the public good. Where, he asked, was the justice or the policy of any government to require of a whole people, a sacrifice of such ambition? Where was the policy of prohibiting a whole race of men from fighting our battles, or taking an active part in our councils? But such was at present the case; and gentlemen who were members of the kirk, after having served their country with fidelity and honour, and after having bled in her cause, were liable upon their return home, to be ruined by fines, and to be subjected to punishments fit only for felons.—He would not, however, waste the time of the House by stating what might happen, but would remind them of what had actually happened; he then stated the historical fact of the defenders of his late majesty's cause in Scotland, who had bled in that cause, having been under the necessity of being included in the general pardon to the rebels. The injustice he had already stated, in his opinion, entitled him to say he had made out his case; but he would proceed somewhat farther, and look for every objection he conceived likely to be made to his motion. It was, he said, chiefly depended upon in opposition to the application of the dissenters; first, that a religious establishment was necessary in the constitution of the country; and, secondly, that the safety of the constitution depended on the maintenance of that establishment, and that it was dangerous to admit those to places of power who held opinions contrary to the established religion. Neither of these objections could apply against the present application: they had the direct contrary tendency. He was a hearty friend to the establishments in both countries, and would ever oppose an attack on either, being convinced, that they could not be successfully attacked without danger to the constitution, and injury to both countries. But, in agreeing that religious establishments were necessary, he contended that the establishment of the kirk of Scotland, was a part of the religious establishment of this country: if, therefore, those who were employed in the service of England, and professed its establishment, were called upon to take the test of their church, those who were members of the kirk of Scotland, and likewise in the service of their country, ought not to be called on to perform an act of departure from the forms of their church. The argument against the dissenters of the danger of admitting those into power who were of opinions hostile to an establishment, could not be urged against Scotland, they having an establishment of their own: if it was necessary for the safety of the established church of England, that none but its professors should be admitted into office, the same safeguard might be claimed with justice for Scotland; and her established church being part of the established religion of the country, a test to that establishment ought to be deemed equally sufficient. The objection made to the repeal of the test act in favour of sectaries, namely, that they would be at-

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tempting more and more the overthrow of the establishment and the erection of another, could not apply against Scotland, for if the toleration they prayed was granted, they could ask no more, having already an establishment by law. It might be argued that the hands of the House were tied up, by the treaty of union, from granting the prayer of the application, but this he denied, declaring it to be left open by the act of union to the wisdom of future time; he should, however, if the articles of union had been explicit upon the point of establishing the test, deny that in consequence it must remain so, when a case of justice and advantage to Scotland was made out, for it not to be so continued. His proposition, however, was, that there was nothing in the treaty precluding the House from granting every thing now asked. Sir Gilbert here read three or four clauses to prove that the matter was left completely open, and entered into a detail of the proceedings of the Scotch and English parliaments, from which he drew a conclusion, that the exemption from the test was considered to be contained in the treaty. Propositions were made, he said, in the Scotch parliament, prior to the union, to insert in the articles, provision for an exemption against the test act, which propositions had been negatived. An exemption was however made in Scotland, from all future tests; by which it was plain they did not mean to renounce the exemption from tests in other parts: the delicacy of the times rendered it advisable for them to abstain from explicit declarations; but it was evident that they had left it open to the construction of future reason and justice. The parliament which negatived the provision for the exemption, were known to have gone upon the idea that it had been provided for in the articles as they stood; and the same opinion had been acted upon by the British parliament. The question therefore turned again upon its original ground, namely, was it politic or just to disfranchise, and disable from serving in military and other offices, a race of men, merely because they were attached to the religion in which they had been bred, and which was secured to them by law and by treaty? Sir Gilbert Elliot concluded with moving, "That this House will immediately resolve itself into a committee of the whole House, to consider how far the provisions of the said act, (which require persons holding any office, civil or military, or any place of trust, under the crown, to receive the Sacrament of the Lord's Supper, according to the usage of the church of England) extend, or ought to extend, to persons born in that part of Great Britain called Scotland."

Mr. *Francis* seconded the motion.

Mr. *Pulteney* was of opinion, that the motion was of a very different nature from that for the repeal of the test act in England. By the treaty of union two national religions were established; and he was persuaded it never was the intention that the members of the church of Scotland should take a test. If the test had been made a part of the treaty, the union could not have been effected, and therefore it was allowed to lie dormant. But the church of Scotland was one of the two established religions in this country, and its members were entitled to all the privileges of the members of the church of England. It was impossible, however, to reconcile that idea to the test act. If it was a matter that was dangerous, and that ought not to be granted, in God's name, let the petition be rejected; but if it was a measure perfectly innocent, why should it not be granted? The arguments against the repeal of the test act were chiefly two. The one, that there was a hazard in admitting those persons into offices of trust, who did not conform to the rites of the church of England; the other, the danger that might arise from the corporation act being enforced. These two acts were not taken separately, but together. Neither of those arguments applied to the present case, for the members of the church of Scotland were not sectaries, but members of a church, established by law as much as the church of England was, and consequently they were equally well qualified for offices of trust. With regard to the corporation act, there was no proposition before the House. It came then to this short proposition; the church of Scotland and the church of England, being equally established by law, and both being equally the national religion, whether, under these circumstances, the members of both churches had not an equal right to the participation of every privilege and advantage? As to the Scotch clergy, they had always shown themselves attached to the constitution and to general liberty: they were, in general, men of independent spirit, and not subservient, as was some-

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times said of the English clergy, to those who were in power. He therefore thought they were entitled to the panegyric which the hon. baronet had passed upon them, and that their petition should be treated with respect by the House.

The *Lord Advocate* for Scotland * rose for the first time in that House. He said, he agreed most heartily in all the praise bestowed upon the Scotch clergy. In arguing this subject, he must begin by stating, that since the union, a period of eighty years, no application of this nature had ever been judged necessary to be presented to parliament, till the last meeting of the general assembly of the church of Scotland, although that assembly had regularly met every year during that period. This hasty manner of proceeding, in a matter of so much importance, and which had been so long known to exist, without even a supposed grievance, till for the first time it was stated, last summer, was certainly one reason, if there were no others, why he should oppose going into the committee now; because he thought the subject required much more serious consideration, than it had yet received even in the general assembly itself, before it became parliament to determine upon the propriety of the measure proposed. Much stress had been laid upon the unanimity which prevailed on this subject, among the clergy of the church of Scotland; but he denied that it existed; and begged leave to remind the hon. baronet that, in the committee, so far were they from being unanimous, that there were nine for this application to parliament, and eight against it. Considering how soon the ensuing assembly were to meet, it would have been much more decent, had the committee presented their report to them, and waited till the subject had been more fully considered, before this application was made to parliament; which he consequently must oppose as premature, improper, and not even consistent with the unanimous wishes of the clergy of Scotland, as had been stated.—With regard to the treaty of union, and what had been said about our ancestors not wishing to press these questions at that time, he must beg that gentlemen would recollect the situation in which the commissioners, who settled that treaty, were placed; they had no discretionary power to interfere or not, in settling the establishments of the two churches; on the contrary, they were on both sides totally excluded from entering at all upon the discussion of any differences with respect to religious establishments in either kingdom; and for this very plain and wise reason; that many schemes had been thought of on this subject, previous to that period, which had proved abortive, and prevented the union that was so much desired between the two kingdoms, which made all wise men think, at that time, that such attempts had been, and would be, the rock on which we split. Nothing, in either the 4th or 25th articles of the union, could, in his mind, apply to the reasoning which had been made use of that day; and the commissioners for settling the treaty of union having no power to interfere with the test act at that time, the wisdom of the two parliaments having declared it dangerous to the object in view, they could not make any proposition to that effect, nor had it ever been thought necessary to make any since. As to an equal participation of civil rights and privileges of Scotchmen going to England, and Englishmen going to Scotland, he believed, no body would say that it was not fully enjoyed, although nothing respecting the test act was comprehended in the treaty of union. He therefore never could agree to this application, unless some necessity for it was shown, or the existence of grievance somehow proved. As to civil offices, he believed, few would say that the Scotch were not admitted to their full share of them; indeed, the reverse was much oftner insinuated. He had only one more observation to make, and that was, that the laity of the country had not been consulted, nor had they made any complaint of grievances; a circumstance which would weigh strongly with him, even if the clergy were unanimous in their opinions concerning it.

Mr. *Anstruther* said, that however the committee might differ about the mode of application for redress, certainly the general assembly was unanimous as to the grievance. The committee themselves had no difference on this point, nor had they any power to give an opinion upon it, because the order of the general assembly only referred to them the mode of obtaining redress, and a majority of them had thought the best way was by an application to parliament, which they had

* Mr. Robert Dundas, nephew to the right hon. Henry Dundas.

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adopted. The general assembly had determined the question of grievance, which his hon. friend was anxious to avoid a discussion of; because, he said, Scotchmen enjoyed their civil rights and privileges to any extent in England, by the silent acquiescence of the church, and without interference; but that he thought was little to the purpose, for the fault was on the statute book. Why will you have laws which you are obliged to suspend by an annual act of parliament, or rather by suspension from six months to six months? It was true that Scotchmen might fill civil and military offices in England; but still this act hung over them. His hon. friend had rather mistated the act of the two parliaments of England and Scotland, empowering commissioners to settle the articles of union; the act of the English parliament only excluded them from entering into any discussion relative to alteration of the liturgy, rites, or ceremonies of the church of England, and certainly this could not include the test act. Before the union, Scotland had nothing to do with the test act, while they did not go into civil or military situations in England, and certainly in their own army or navy they had nothing to do with it. No power of the commissioners, nor any article of the treaty of union, had confirmed the test act as an unalterable immutable law. The act of the 13th Elizabeth, with regard to the church establishment, and the act of succession in Charles the 2nd's reign, were certainly confirmed by the treaty of union, and were unalterable, and to continue for ever; but would his hon. friend say the same of the test act, which was altered every year? The test act never was made to protect the church of England against Presbyterianism, but against the Papists. It was the intention of the treaty of union, to give to the subjects of both kingdoms a full and equal participation of all civil and military rights and privileges, and therefore he wished the House to go into the committee.

The *Master of the Rolls* opposed the motion, and considered it as a demand that the House ought not to comply with. He thought any attempt to repeal the test act, as far as it regarded Scotland, an infringement upon the treaty of union, and therefore he reprobated the doctrine laid down that day. The learned gentleman who spoke last seemed to think it might be altered or repealed at any time. Had he the same opinion of the act 13th of king William? In his own opinion, after the treaty of union, both were irrepealable. When the act of occasional conformity was repealed, two clauses were proposed to be introduced for protecting Scotland from the effect of the test act, but were negatived. He went through the history of the times, just before the act of union was effected, and mentioned the part taken on that occasion by lord Cowper, and others: deducing from the whole, that the matter had been maturely weighed originally, and ought not to be changed unless some very strong case indeed could be stated. He, however, allowed that the Scotch clergy deserved all the praises that had been bestowed on them.

Sir *Adam Fergusson* said, that there certainly were settled by the treaty of union two distinct churches for Scotland and England; but he did not believe that any man would say there were two different religions established in Great Britain. The fact was, that their doctrine was the same; the only difference was in the ceremonies, and the form of church government. He contended, that the members of both churches were equally entitled to the benefits of the union, without renouncing the established religion of the country in which they were bred; for certainly it never could be meant that a man should be debarred from civil offices in any part of the country, because he did not take the test imposed by another part of the country, which he could not do, without renouncing the religion he had been brought up to. A qualification he considered to be a solemn declaration that a person belonged to the established religion of the country, and was intended as a check on Popish recusants, and not on Presbyterians. With regard to the test act, Scotland had nothing to do with it before the union, for then Scotland was a kingdom, as foreign as any other to England. The Scotch had no tests, and wisely avoided them, yet his learned friend (the lord advocate) from his official situation, must be a member of the general assembly, and must there make a solemn declaration, that he belonged to the church of Scotland, and would adhere to its doctrines and discipline. Now, if his learned friend was to be appointed to any official situation in this country, he must take the sacrament according to the rites of the church of England; and it perhaps might, to him, be a difficult situation to be in. For his part, he could see no ob-

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jection to communicating with the church of England, though he had been bred to the church of Scotland: but neither he, nor, he believed, his learned friend, would choose to make a solemn declaration that they belonged to a church, which they had before made a similar declaration they did not belong to.

Mr. *Dundas* said, he could not give a silent vote on a motion to which, though made in consequence of an application from a body of men whom he had long known to be respectable for their learning and the purity of their lives, and zealously attached to the British constitution, he must give a decided negative; and were he to agree to the doctrines which he had heard that day, he must conceive himself endeavouring to get the better of a treaty, by which he and his country had obtained benefits and enjoyed privileges, which they ought never to forget or treat with ingratitude. As a Scotch member of parliament, and considering himself as a representative of this country too, he must say, that if such attempts prevailed or succeeded, the dissenters of England, on the refusal that had been given to their different applications for a repeal of the test act, had been unjustly, harshly, and cruelly used. As so much had been said about the test act and the treaty of union, he must take the liberty of stating to the House the true and precise situation in which Scotland was, with regard to the test act, at that period. It was certainly known to the Scotch nation, that the test act existed in England, as the debates that ensued in their own parliament, previous to the settlement of the treaty of union, clearly demonstrates. For when the articles of the treaty were sent to Scotland, and before they were returned to England, several propositions were made in the Scotch parliament for relieving the Scotch from the effect of the test act, which were all, after serious debate, rejected; and in order to prove why they were rejected, he would plainly state who were the party that wished to insert that article into the treaty of union. The party who wished not to insert that article, consisted of those who were friends to the revolution, friends to the Hanoverian succession, and friends to the treaty of union; in short, they were all the great whig families in the country. On the other side, those who wished to have the Scotch relieved from the test act, were the enemies to the revolution, and to the house of Hanover, and who wanted to impede and prevent the treaty of union; and what was more, they were people who were no friends to nor held any communion with, the church of Scotland. This came out, by publishing the names of those who divided on the different propositions that had been debated in their own parliament, so that the truth being known, they acted like wise men, and distinguished their friends from their foes, by which means the union was brought about, and the conclusion certainly was, that if a different conduct had been pursued, no union would have taken place. Thus the Scotch being fully informed concerning the test act, previous to the union, and having voluntarily agreed to it, any attempt to get free of it now, would be, in his opinion, playing a shameful game at fast and loose with England, and retreating from our contract after we had got possession of great and invaluable benefits which she could not retake from us. With regard to the declaration made in the general assembly, he certainly had signed such a one; and when he accepted another official situation in this country, he had conformed to the test act; but he would not allow that his doing the latter was any dereliction of the religion that he had declared himself to adhere to, but only showed his opinion to be against any objections to communicate with the church of England, and that he thought each of the churches best adapted to the country in which it was established. There were no tests in Scotland; and when a counter test had been proposed, it was very wisely refused; and for this reason, that the established religion of the country had nothing to fear from episcopacy. "No," said the sages of the Presbyterian church, "we have nothing to fear—our church is secure from all attacks—its foundation is, solid and impregnable—for it is built upon the rock of poverty, and is not to be shaken, even when assailed by the most violent winds, or boisterous storms. But far different is the situation of the English church; she has her archbishops, bishops, and dignitaries, extensive sees, and profitable livings; and when she observes so many of us poor Presbyterians crossing her borders, and penetrating into her best provinces, has more reason to be alarmed, and of course, more need for tests." Mr. Dundas said, he must give the motion a direct negative.

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Mr. *Fox* said, that although he had introduced a motion for the general repeal of the test act, and had declared himself ready to move, or to support such a motion, as often as those who felt themselves aggrieved by that act, should think proper to bring it forward, he could have wished rather to have heard the arguments of other gentlemen on the present occasion, than to repeat those which he himself had perhaps already used. There were, he said, in this country various descriptions of men; with respect to the opinions they entertained on religion, some professed themselves the friends of toleration in the utmost extent of the word, some of toleration in a limited sense, some of establishments, and some of public worship independent of establishments. He professed himself the friend of toleration without any restriction, and at the same time of an established church; and every argument that could be advanced in support of either was applicable to the support of the present motion. Notwithstanding all that had been said of the history of the union, the discussions, and the acts of parliament that preceded it, there appeared to him a considerable degree of doubt, whether the test act did or did not apply to members of the church of Scotland, and therefore he thought the motion for going into a committee to inquire how the law stood, extremely proper. Those who contended, that by the act of union the test act was meant to apply to members of the church of Scotland, viewed the question only on one side. They called in the evidence of history to prove, that if it had been understood, that the test act was not to be thus applied, the people of England would not have consented to the union. It was just as fair for him to take the other side, and contend, that if it had been understood that the test act was so to apply, the people of Scotland would not have consented. That Scotland had derived great advantages from the union, would not now, he apprehended, be called in question. That England had also derived great advantages, was no less certain. The advantages, perhaps, were equal: but it was no panegyric on the act of union, that the prejudices of both countries were so strong at the time of concluding it, as to prevent the fair and open discussion of all the considerations that ought to have entered into it. The violent friends to the test act,—and the violent friends to that act (without having taken much pains to inquire who they were) he sincerely believed to have been generally the enemies to every thing that was great and good,—had always insisted upon it, as so intimately connected with the civil and religious constitution of the country, that it could in no case be given up; and therefore that it must necessarily have been included with respect to Scotland in the act of union. Mr. Fox then went over the material circumstances of the union, from which he inferred, that the point was at least doubtful. There was no mention of the test in the act of union, and supposing there had been a test in Scotland previous to the union, of which also no mention was made, would it have followed that such a test must apply to both countries? This, he thought, would hardly be maintained, it would not have been as strong in one case as it was in the other.—People in this country were, he said, too apt to consider the people of Scotland as having come to them; as having been annexed to the crown of England in the nature of a province; whereas, in fact, the two countries, treated and contracted as two independent kingdoms, which they really were; and whatever right or privilege was secured to the one, was equally secured to the other. The establishment and description of the church of Scotland was as much secured in law as the establishment and description of the church of England. They were very properly put upon equal terms. Was it consistent, then, with this equality, that a member of the church of Scotland, as a qualification for a post as an English officer, not for an officer in the English church, or an English corporation, but a British officer, an officer in the British army or navy, should make a solemn profession of attachment, not to the establishment of the church of Scotland, but to that of the church of England? It never could be the intention, as a right hon. gentleman (Mr. Dundas) had explained it, that members of the two establishments should communicate with either. It was never understood, that a member of the church of Scotland, in order to enjoy the advantages of the union, should communicate with the church of England. He was told, that the members of the church of Scotland had no objection to communicate with the church of England. This he could neither admit nor deny, on any knowledge

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of his own; but he well knew that the other part of the position, were this motion ever to come before the House of Lords, where the heads of the church of English were, would be formally denied them. Now, how was the line of distinction to be drawn? By a natural or geographical limit? If a man to the north of the Tweed accepted of an imperial office, he was not to communicate with the church by law established there; but if he accepted of the office on the other side of the Tweed, he was required to do so, under heavy pains and penalties. There was no law to prevent the king from residing in Scotland. Suppose he were to do so, he might appoint all his officers of state, without any one of them being obliged to qualify according to the test act, and let in all the imaginary dangers to church and state, against which he was held up as the impregnable barrier. A person receiving his majesty's orders to raise a regiment in Scotland, might there appoint all his officers without any test; but the moment they came into England they must take the test within a time limited, or incur the penalty of outlawry.—But it had been said, as the law was never enforced, these inconveniences were mere theories. If it was not enforced, why suffer it to remain? for a law not executed was, if possible, more theoretic, than theory itself. The penalties, however, were not theoretic, because not enforced. Their execution depended neither on the church nor on the government, but on the will of any malicious person who might choose to turn informer,—if, indeed, it was fair to call any man malicious for doing what the law directed him to do, and held out a reward for doing. Of all the penal statutes, the constant defence was, that they were not executed. A very irrational defence to be sure! And this was strengthened by a demand of "show me the practice." Thank God, Mr. Fox said, he could not show the practice! The wisdom of the legislature had taken care, from time to time, that the practice should not appear; but there could not be a stronger argument that they were not fit to remain as laws than the general concurrence of mankind, that they were not fit to be acted upon. But they were retained for the safety of the church! It was an ill compliment to the church of England to say, that she could not support herself by the purity of her doctrines, and the good example of her members, without a provision by law; that not only all those educated in her bosom, but those educated in the bosom of another church, should make a profession of attachment to her, as a qualification for civil offices; while the church of Scotland, her neighbour, not only required no such protection, but apprehended no danger from her sons being obliged to profess attachment to another, in order to enjoy the common rights of subjects. A right hon. gentleman had said, that the church of Scotland was secure in her poverty, which dreaded no attack. Had he any reason to believe, from the history of his country, that poverty was an adequate protection? Was no attack made upon her by the episcopal bigotry of Charles 1st? Was none to be apprehended from the Roman Catholic bigotry of James 2nd? Was not the fear of some such future danger as rational a fear as that kept up by the clamour of faction for the safety of the church of England, at the time of the union, a clamour to which, fortunately, parliament did not listen? Both were now equally imaginary. What reasonable objection, then, could remain to discuss how the law stood in consequence of the union?—As a friend to an established church, he was an enemy to the distinction which the test set up between the two established religions of the country. For what was the consequence? If a man born in one part of the kingdom conformed to the law and religion of the country, accepted a public office, he was called on not to profess his attachment to that religion, but to examine the doctrine and discipline of another, and to make a solemn profession of attachment to it, which, in the opinion of many, amounted to a disapprobation of that in which he had been educated. Was not this a mockery of establishments? It was, indeed, said, that this was no dereliction: but, in discussing the general repeal of the test act, was it not generally said to be a profession, that he who took it was of the religion of the state? Was not this the argument at all the public meetings called for the purpose of opposing the repeal? Was it not the answer to the alleged profanation of a sacrament, that it was not taken on account of an office, but as an act of religion, which he who took it was bound to perform, without any regard to public office? What was the religion of the state

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as thus explained?—The religion of the church of England. Must not, then, the church of Scotland feel that she was not considered in the same light with the church of England, that she was not in the situation to which, as part of the established religion of the country, she was entitled? The very name of the test ought alone to supersede all these arguments. If they were to say with a right hon. gentleman, to whose argument he had before alluded, that the test meant nothing but a profession, that he who took it entertained no hostile ideas against the establishment; that he was ready to communicate with either church; that he who was of the church of Scotland when out of office, might communicate with the church of England when in; let that explanation be given, by which neither religion nor politics would be much benefited.—Notwithstanding what a learned gentleman had said, with respect to the origin of the present motion, he was satisfied from what he had heard, that it had originated in the unanimous opinion of the general assembly, that the test act, as appeared to members of the church of Scotland, was a grievance, and their unanimous vote to apply for redress. It might, for any thing he knew, be considered in Scotland as a solecism to apply to parliament, when they had reason to believe that his majesty's ministers were not inclined to favour their application: but it was not, and he trusted never would be, considered as improper or unseasonable in this country, for any subject or class of subjects, to apply to parliament for relief from a grievance, whatever might be the disposition of those in power. It had been farther observed, that the application came from the clergy of Scotland only; and it was asked, why the sense of the people had not been taken? After all they had lately heard, of alarms in the minds of the people, (vain alarms, in his opinion!) was it wise, was it politic, was it like statesmen, when a proposition came before them from a respectable body, founded on sense and reason, to set it afloat among the people, and desire them to hold public meetings, and discuss its merits for the instruction of the legislature? The history of the union afforded no rule on the subject. Both parties were afraid to come fairly to the question. The great men of that period were obliged to yield to the prejudices of the times. The House would recollect how far short of their own opinions they had been obliged to set up in relieving Roman Catholics. Was it, then, to be wondered at, that eighty years ago lord Cowper, and the statesmen with whom he acted, should have yielded to the same sort of necessity?—With regard to religion, there were few acts on the statute book which ought not to be completely expunged. Instead of that, they busied themselves in explaining, mitigating, or suspending; and whenever the only proper remedy was mentioned, the answer was, "they are not executed;" the very worst character that could be given of them! This had been the answer to all the propositions that had been lately made. Ought not the House at last to see, that laws, unfit to be executed, that were sometimes the instrument of partial oppression, but never of public benefit, were not fit to remain? They were well described by a learned and orthodox prelate as "dangerous weapons laid in the way, which no good man would use, and which ought not to lie there as a temptation to the bad." Mr. Fox said, that he was a complete friend to religious establishments, on the same ground that he was a friend to toleration. He thought it highly proper that a system of instruction for the improvement of morals should be provided for in every country; but highly proper also that those who dissented from that system should incur no penalties, should suffer no disabilities on account of their dissent, because, to admit of religious instruction, whatever character it assumed, as far as it contributed to inculcate morals, was to enlarge the sphere of religion. Many eminent divines of the church of England were of this opinion. Among others, Dr. Paley, a most orthodox writer, in his chapter of religious establishments and of toleration, after discussing all the branches of the subject, had concluded with approving of a church establishment, joined to a complete toleration of all dissenters.*—To get rid of a charge that was frequently put on those who argued as he did, he should wish to know precisely, whether the test was a political or a religious act. When he called it a political act, he was told that it was an act for the security of religion, and, as such, by the union was made perpetual. When he called it a religious and perse-

* See Paley's Moral Philosophy, Vol. ii. p. 344.

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cuting act, he was told that it was a mere regulation of civil government, and had nothing to do with religion. It had, indeed, nothing to do with religion in its origin. It was intended merely to keep out papists—an unwise expedient, in his opinion, to attain an unwise end; and now that the object of it existed no longer, it could be considered only as an instrument of religious persecution. The church of England could never be in danger but from building her safety on intolerant principles, and making that a pretext for opposing the extension of religious freedom. This, however, was gaining ground in other countries, and would continue to do so. This country, he hoped, would not be the last to adopt it. The question of toleration he should always be ready to meet, whenever it was fairly and properly brought forward, and the oftner, he thought, the better; for there was no question that gained more by discussion—no question, the discussion of which contributed so much to the improvement of religion, of morals, and of happiness. On this general ground, he supported the motion as well as on the particular grounds he had already stated.

One argument that might be urged against it, Mr. Fox said, he wished yet to obviate. If it were doubtful whether the test act did apply to members of the church of Scotland, it might be said, why not try the question in the regular course of law? This might, indeed, be proper in a civil case, but could hardly be done under a penal statute. If it were doubtful whether a particular act was a capital offence, it would be rather hard to say, "Do you commit the act, and whether you are hanged or acquitted, the law will be clear." If any gentleman were disposed to try this question, and the law should be explained to be against him, he would be condemned to a fine of 500*l*., which many gentlemen might readily pay; but the rest of the penalty, to be rendered incapable of holding any public office ever after, of being an administrator or executor, or of receiving a legacy, was rather too much for any gentleman to be expected to risk. There could be no objection to inquiring how the law stood, and the declaration of the House might be considered as a safe guide. Mr. Fox concluded with declaring that he would give his vote for the motion.

Mr. *Pitt* said, he could not hope the right hon. gentleman would think better of him than of all the former friends of the test act, whom, without knowing them, he had pronounced to be the enemies of all that was great and good; for he must still continue to be a friend to it, till he heard better arguments against it than any he had yet heard. He had never been a violent, but he professed himself a firm and steady friend to it, because he thought it essential to the security of the church, and, as connected with that, to the civil establishment of the country. He considered the motion as nearly connected with the general repeal of the test act; and unless a clearer distinction could be made out than any yet stated, he must look upon the one as a preliminary to the other. The manner in which it had been argued, was extremely indistinct. The House was sometimes told "Go into a committee, because, as applied to Scotland, it is not law." At other times they were told, "Go into a committee, because, if it be law, it is so great a grievance, that it ought to be redressed." If gentlemen thought that it was not law, they ought to come forward with a distinct proposition on that particular point; but they proposed going into a committee, to discuss either question, and neither distinctly. To this he could not agree, unless he were convinced, that if it was the law, it ought not to be the law, which he was not by any means disposed to admit, although if it were not the law, he should undoubtedly admit that, whatever might be his opinion on the expediency. But it was impossible to admit, that the law was doubtful, and then that it was such a grievance as ought not to be endured. What, after it had been so long open to the examination of those on whom it was supposed to be a grievance—after they had submitted to it, without a single question, for so many years, was it to be imagined, either that the law was doubtful, or that the grievance was oppressive? The question of the test act had been agitated in the Scots parliament before the union. Their attention had been particularly called to it; they were not therefore taken by surprise, and their acquiescence was a sufficient indication of their opinion. Had they been resolved to object to it, they could not indeed have bound England by any act of theirs, but they might have inserted an article respecting it in the instructions to their commissioners as a fundamental principle.—Mr. Pitt here entered into a discussion of the

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circumstances that immediately preceded and followed the union, from which he drew a general conclusion, that historical inference, contemporary exposition, and the practice of eighty years, proved it to be law, that members of the church of Scotland were not exempted from the test act in England. The next consideration was, whether the law ought to be repealed, while it was the sense of a great majority of the legislature and of the country, that the test act ought not to be generally repealed? Was there any thing in the circumstances of the case that called for this partial repeal? The whole of the imaginary grievance arose from a misrepresentation of the nature of the test, which, instead of being a solemn profession that the person who took it was a member of the church of England, he had always considered as a testimony that he did not think so ill of that church, and was not so disaffected to it, as to refuse to communicate with it. This he understood from many gentlemen, from the authority of the ministers of the church of Scotland, was the general sentiment of the members of that church. They had not such objections to the discipline or doctrines of the church of England, as to refuse to communicate with it. If this were the case they did not stand in the same predicament with the dissenters in England, much less with those dissenters who thought the establishment of the church idolatrous and sinful, and that they were bound in duty to labour for its demolition. There might be many descriptions of religious opinions included under the general term of the church of Scotland; there might be many of those who thought that they ought not to hold communion with the church of England; but, then, all who thought so charitably of that church as not to refuse communion, being the great bulk of the members of the church of Scotland, suffered no grievance from the operation of the test act. If there were others less liberal, they did not come under the proper character of members of the church of Scotland, but under the character of dissenters, and no reason could be alleged for exempting them from the test that would not operate with equal, if not greater force, for exempting English dissenters. There might be many such dissenters in Scotland, where there was no test by which to ascertain who were members of the church, by law established, strictly speaking, and who were not. The consequences of the exemption then would be to let in all sorts from Scotland, and dissenters of every discription. On these general grounds, that the bulk of the members of the church of Scotland were not excluded by the test, and that it would be unsafe to admit dissenters from Scotland, he was satisfied, in his own mind, that the law, as it stood, was no grievance, as well as from a thousand collateral reasons which he could mention, but with which he thought it unnecessary to trouble the House; and consequently should vote against the motion.

Colonel *Macleod* supported the motion. He said, that to oblige a member of the church of Scotland to profess an attachment to the religion of England, instead of his own country, was, in his opinion, a mark of subjection, an invidious distinction, that ought not to exist.

The House divided:

Tellers.

Yeas	Sir Gilbert Elliot - - Sir J. St. Clair Erskine	62
Noes	Mr. John Smith - - Mr. Rose - - - -	149

So it passed in the negative.

Mr. Grey's Motion for a Committee on the Effects of Imprisonment for Debt.] May 12. Mr. *Grey* rose pursuant to notice. He said, that if it was a desirable object to distinguish the unfortunate debtor from the knavish one, to place the creditor in that situation which afforded the fairest and the speediest means of compensation, and to regulate the gaols of this country, that was the precise object of his motion; and the best mode of attaining it was, he believed, through the medium of a committee. The law of debtor and creditor in this country was condemned universally, and with justice. Whether they considered the practice of confining, for debt, men who had no means of discharging such debt, or, on the contrary, fraudulent debtors, whose creditors, by no process, could compel them to pay; these circumstances were sufficient for inducing the House to institute an inquiry into the state of the laws relating to debtor and creditor. He then moved, "That a committee be appointed to inquire into the present practice and effect of Imprisonment for debt."

Mr. Burke seconded the motion.

The *Attorney General* said, that to

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every gentleman it must be obvious, that in a commercial country, the chapter of debtor and creditor could not but be a very copious one. It was of much importance to the country at large, that there should be an inquiry as extensive as the motion of the hon. gentleman. The House would be able to collect a large mass of information on the subject, and would prepare for taking into their serious consideration what could be done. In the gaols of this kingdom, it had been stated, that there were between three and four thousand persons confined for debt, and if to this number were added their wives and children, they would at least amount to ten thousand.—There were two or three points which he wished to state shortly to the House. In the first place, he begged they would look to an object of consideration which sometimes escaped the attention that was due to it; he meant the situation in which the creditor stood. There were many creditors in this kingdom who could not possibly recover one shilling from an opulent debtor, if that debtor chose to remain in prison: this was contrary to every principle of common sense and common justice. On the abstract circumstances of insolvency, it might be inquired how far a creditor had a right to have the person of his debtor as an hostage, while his debt was unsatisfied, though after the debtor had parted with his uttermost shilling; but, it was quite a different consideration, whether a man was insolvent, or whether he was a knave? If he was a knave, and lived by imposition, let him be punished as a knave; but the single circumstance of not being able to discharge his debts was a very different thing, and might happen to any man of the most upright character. The case of the debtor, therefore, was well worthy the consideration of the House; and they had been rather to blame in not having sooner sufficiently looked at the case of the creditor. The House would take both sides of the question into consideration. He strongly suspected there was some vice in the laws of this country respecting debtor and creditor. It was a most shameful thing to state, but it was a fact, that in one of the gaols, which was but a few hundred yards from the place where he was speaking, some of the prisoners were wallowing in luxury, and indulging themselves in every species of profligacy. While one class of prisoners was confined for small debts, another class kept their creditors at arm's length. He was convinced, therefore, that there must be something unsound in some part of the system of our laws relative to debtor and creditor: and it was his wish to probe it to the very bottom. He thought it was consonant to the principles of natural equity, that the debtor should pay the creditor every shilling he possessed; but after he had done that, it might be made a question, how far the person of the debtor should continue as a hostage to the creditor for the remainder of his debt. These were, sir Archibald observed, important considerations, and their discussion and examination would occupy a great deal of time. In his opinion, the mode the House had adopted of instituting an inquiry into the subject, was the proper way of proceeding. Although he was inimical to an insolvent act, he reluctantly confessed it had frequently been found to be a necessary remedy. An insolvent act was, in his opinion, an encouragement to gambling, and to every species of profligacy. Doubts had at different times been entertained, whether insolvent debtors should not be liberated from gaol; but experience manifested, that their liberation had ever been attended with the worst consequences. These considerations put together, furnished strong ground for an inquiry into a subject so important. As a part of the business, it would be necessary to establish some new plan for the regulation of their gaols.

Mr. *Burke* thanked the learned gentleman for his excellent speech. The public were extremely obliged to him for such exertions of judgment, prudence, and humanity, which latter constituted, as every body knew, so striking a feature in his character. The public were also under many obligations to the hon. gentleman who had undertaken to bring forward so laborious, and so delicate a business. It would be necessary for him, in this case, to sift the false pretences of persons, and to make a nice discrimination between what was real and what was affected. He never had an opportunity of bringing forward this subject himself, though he was always ready to give his best assistance to those, of greater weight, by whom it was undertaken. The motion furnished an awful monument of the difficulty of giving a definition of law. It had been said that it was a state of liberty in society to be governed by law. They had

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not only their prisons full, but they had a commonwealth of debtors, a commonwealth of prisoners; a commonwealth as numerous as many that had existed in ancient history. These prisoners were not distinguished from slaves, but actually were slaves, existing in a country valuing itself on its laws, and boasting its freedom, but in which they endured a greater portion of slavery than ever had been exercised by the most despotic powers. It certainly was a blemish in our law, that it produced all the effects of the most horrible tyranny, and likewise all the effects of the most abject slavery. It was a paradox strange and irreconcilable. One thing he wished to suggest, which was, that it was not to be held, that this business was in all cases connected with commerce. The contracting of debts often happened among the lower classes of men in the common transactions of life, and were deemed civil suits, founded on false credit; commerce was too wise and too cautious to act upon such a fallacious principle; in cases of commerce, the creditor only wished to secure the *cessio bonorum*. Not only the trading part of the community, therefore, but every man in the kingdom was deeply interested in the inquiry. If the system of laws on the subject was a wrong one, it affected every body. If any alteration was introduced with regard to the imprisonment of insolvent debtors, it would be said, perhaps, that such alteration would affect public credit. He denied it. It would make men cautious, and would tend to protect them. There was no such thing as a corps of debtors; there was no such thing as a corps of creditors. Debts were contracted by the rash and inconsiderate credit that was given. The power of a creditor to seize the person of his debtor was like a person grasping at real money, and finding his hand full of assignats. He hoped the subject would be examined on the just and fair foundation of public credit; he hoped it would be examined on the fair principles of debtor and creditor. Debtor and creditor should never, he said, be separated; they were one person, and what was for the benefit of the one, was evidently for the advantage of the other. Besides, Mr. Burke observed, where they had one man in gaol, they had two or three that were in daily terror of imprisonment. If there were ten thousand people in prison, there were at least thirty thousand shut out from the means of getting their bread, and who either were in the prison of the mind, or in the prison of terror. How many persons were there, who existed in the prison of flight, and in hiding places; who were a loss to society, and a dead weight on the community! Thirty thousand at least were in that predicament. This, therefore, was a subject highly worthy of the wisdom and humanity of the House, and also highly honourable to the young gentleman, of very great abilities, who had taken it up, and had made the present motion. Mr. Burke concluded with observing, that it was a disgrace to the law of this country, to say that it had imprisoned more than the most absolute power had done in any other country.

The motion was agreed to *nem. con.* and a committee appointed.

Debate in the Lords on the Abatement of an Impeachment by a Dissolution of Parliament.] May 16. The order of the day being read, for taking into consideration the Report from the Lords' Committees * appointed to examine precedents, relative to the state of the impeachment against Warren Hastings, esq., brought up from the Commons and proceeded upon in the last parliament,

Lord *Porchester* said, he should not then trouble their lordships at any length upon the subject, but only meant to make a motion which might bring the merits of the question fairly and fully under discussion. He had read the printed report, and had formed a decided opinion upon the subject, but that opinion he reserved till he should have heard the sentiments of noble and learned lords. He then moved, "That a message be sent to the Commons, to acquaint them that this House will proceed upon the Trial of Warren Hastings, esq."

The *Lord Chancellor* said, he rose, not to enter into the question, but merely to state that in his apprehension, that was not the proper mode of discussing the order of the day, which was, to consider the Report of the Committee. All their lordships would at least agree with him, that the laying down a rule, by which not only the fate and fortune, but the liberty and lives of their lordships were in future to be determined, was a subject of very important consideration. The report, his

* For a Copy of the Report, see Lords Journals, Vol. 39, p. 125—169.

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lordship thought, ought to have been referred to a committee of privileges: that would have been most agreeable to the rules and practice of the House, with regard to impeachments, and when the subject should have been considered by the committee, it might then be reported to the House, who would have an opportunity of reviewing, and ultimately deciding upon it. Their lordships had been desired to send a message to the Commons, stating that they were ready to proceed on the trial of Warren Hastings, esq. After they had searched for precedents, that day had been appointed to take the report into consideration, whether the impeachment abated or not by the dissolution of parliament? and therefore that question must be considered, before the other could possibly occur. After they had determined that the impeachment did not abate, but remained *in statu quo*, then it might be very proper to consider whether a message, such as had been moved for, ought to be sent to the Commons to inform them, that their lordships were ready to proceed in the trial. Three questions immediately occurred, which he should have conceived to be very proper to be referred to the committee of privileges, and afterwards to the House. The first of these questions was, whether an impeachment, brought up and proceeded on in the last parliament, was now in any degree depending. 2ndly, If the impeachment were depending, was it depending *in statu quo*? 3dly, By what process, or by what form of proceeding that man was to be called on, who, if he understood the question rightly, was now neither a prisoner, nor under bail, and whether in case that man did not appear, they could sue his recognizance? These three questions appeared to him to be exceedingly important in the present inquiry, and the general proposition, involving the fate and fortunes of mankind at large, was of much more importance than what became of the particular subject—Upon that subject, whatever might be the result of their lordships determination, he hoped they would not adopt the mode suggested by the noble lord's motion, and by that means avoid coming to a regular decision upon questions, which ought not, from their magnitude and importance, to be passed over by a motion of such general tendency. The case of Fowles and Geldard, in the year 1620, was immediately in point. The dissolution in 1621 put an end to the impeachment. The duke of Buckingham's case, the 2nd of Charles 1st, was likewise in point: on the 8th of June, that impeached lord put in his answer, and on the 15th, parliament was dissolved. No further proceedings were had. It was true, that in 1678, in the case of the five Popish lords, the Lords had resolved that the dissolution of parliament did not alter the state of any impeachment in the subsequent parliament; but, in 1685, that resolution was completely overturned, and the Lords resolved that a dissolution of parliament abated the impeachment. Upon the records of parliament, it did not appear to him that it ever was a question for the judgment of that House, whether an impeachment was not dissolved with the parliament that gave it birth, until the year 1678, and that had been completely reconciled by the subsequent determination of 685.—He thought if the printed report was fairly extracted and historically deduced, it would amount almost to a demonstration that there had never been such a proceeding as a continuance of an impeachment after a dissolution. The report was imperfect, and, for his part, he had no knowledge on the subject, except what he derived from the report. He thought it was essential that some other things should have been included under the first head; as, for instance, whether they sent a message to the Commons subsequent to the prorogation or dissolution, and whether the Commons sent any message or set on foot any measure in consequence. There was also another class of criminal prosecutions, which he conceived might possibly be connected with this. With regard to writs of error, the report was still more defective. The committee had stated merely what appeared to them on record, and had stated that only; it would have been material to have considered whether it was true that a writ of error abated upon a prorogation, as was determined in the year 1673. He meant not this by way of reproach, for undoubtedly, the diligence of the noble lords had done much; indeed, he wondered it had done so much. The report however contained many defects. He thought this was too narrow a way of considering a subject of so much importance, and he was afraid their lordships could not do that justice to the subject which they meant. It was to be considered in what way it ought to be

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taken up; if they were to follow the path of their ancestors, which appeared to him to be right, he should wish them to refer the subject to a committee, and that that committee should come to certain resolutions. The report was connected with a great many different periods of history, which it had not been in the power of every one to compare with the historical facts, or to infer the deductions which had been made upon the precedents by the committee. There were cases that had not been touched upon by the committee, great as their research had been. He therefore thought there was a necessity for giving the noble lords time to examine the report, and compare it with the times and circumstances in history to which it referred, before they could give any determination on the grand question at issue.—The great object of their lordships in this decision ought to be, to put it out of the power of a minister at a future day, to turn the decision any way he pleased, as it might suit his convenience. He thought, therefore, it ought to be settled with the utmost gravity and solemnity. What might become of it afterwards, the Lord only knew! Perhaps he might be accused of a pedantic adherence to precedents. He had formed in his mind, the outlines of the method which he conceived would be most proper to pursue on this subject; and if the motion of the noble lord was disposed of, he should feel a strong inclination that they should adopt the method which he had suggested.

Lord *Abingdon* said, he did not rise, as their lordships might suppose, as an advocate for Mr. Hastings, nor did he rise as an advocate against him. The situation in which he stood, in common with the rest of their lordships, as one of the judges before whom that cause was, forbad him from assuming to himself any such character. But he rose, although not an advocate on either side, to trouble their lordships with a few words on both sides, not however with a double fee in his hand, as some advocates had done, but without any fee at all, as no advocate was willing to do, and this, too, not in point of argument, not to discuss the weight and balance of precedents that were upon their lordships table, as the means of forming his judgment upon the question that was to be resolved, but simply and merely to express those feelings by which his mind had been affected upon the occasion. And here, in doing this, it was necessary for him to recur to that time when the impeachment began, to its origin, when like other individuals he was led to look at it in the lump, not with investigation through all its detachment of articles, not on the ground of its evidence, nor in other respects in the minutiæ of detail, but on its political hinges and bearings, in its reasons, in its motives, in its causes, and in its effects.—That this was his view of it in the first instance, and with that view whilst he saw, on the one hand, a man who by his enterprise and exertions had, as it was said, preserved a great country to the British empire, whether by right means or wrong he did not then inquire, but right he supposed them, first from the event itself, and next from the circumstances of those who were mostly interested in that event (he meant his employers the East India company) having *una voce* approved his conduct; he said, he saw this man made the object of an impeachment. On the other hand, he saw a man himself accused of having at the same period, and, as it was said, by worse means than those of a want of enterprize and exertions, lost a great country to the British empire, coalescing with his accusers, his bitter enemies, in becoming an accuser of the man in whom, if there was guilt, he, this accuser, was himself a *particeps criminis* by continuing him in the station in which he was, when having the power he might, and ought to have removed him; he said, he saw this man not made the object of impeachment. The inference then he drew from this view of the subject was, that this impeachment was a proceeding not founded in national justice, nor had it national honour either for its principle or its object; but like the witches' caldron in Macbeth it was composed and made up of ingredients to raise a flame in the country, not of justice, not of policy, not of wisdom, but a flame lighted up by the spirit of a jarring faction, connected by the most noxious juices, created by the most heterogeneous mixtures, blown up by the breath of malice, fed by revenge, and kept alive by the fuel of animosity and invective. This was his inference.—The next view he had of the business was, the impeachment at their lordships bar. And here he saw, and it was with pleasure he saw it, Mr. Hastings, like himself, triumphing and exulting in his

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situation; he saw him like Hercules and the Hydra, surrounded and beset by a many-headed monster, called a committee of impeachment, with fire in their eyes and forked tongues in their mouths, blasting him with the lightning of their looks, and pouring into the inmost recesses of his heart, the chilling poison of their envenomed words; whilst he, with the uplifted club of conscious innocence, as it would seem, in his hand, sat calm and undisturbed, and yet panting, as it were, for the coming of that hour of his defence, when to his assailants it might prove the hour of death and annihilation, but to him that of victory with accumulated honour. This he saw; but besides this he heard from one of the counsel in pleading his cause, with a torrent of manly eloquence, and in a burst of language and of zeal which conviction only could have inspired, an appeal to God as the witness of his client's innocence, and calling down the vengeance of Heaven on the heads of his accusers, as their merited punishment for the falsity of their charges alleged against him.—But what did he now see, and what did he now hear? He saw, he said, this very Mr. Hastings not what he was, unlike himself, not as before panting for his defence, no longer triumphing and exulting in his situation, no more like Hercules with his uplifted club, but like Hercules indeed, subdued, and with a distaff in his hand; this was what he saw, and this was what he heard, and heard, too, even from Mr. Hastings himself: fot his last address to their lordships did not breath that ardour of mind, and that magnanimity of spirit which either his previous conduct implied, or his character would have led one to look for.—But this was not all. A dissolution of parliament takes place, and this dissolution is to be made use of as an extinguisher to this impeachment. Be it so then; but his sense of the matter would be this: that instead of Mr. Hastings appearing as he was want to do, and as it was hoped he would do, like the pure flame of the candle, his conduct, like the snuff of the candle which the extinguisher leaves behind it when the light is put out and the flame exists no more, would be perhaps as black and as offensive to himself as it would be to the rest of the world. These were his feelings, and he should be glad to have them removed; but if this could not be, let others feel for themselves. It might be said, indeed, that this was a trial not only without example as to its duration hitherto, but in its continuance a persecution without end; to which it might be answered, that the duration was now proposed to be fixed, and the time to be limited, and yet the effect of a dissolution was preferred to this.—And now, said he, a single word as to the impeachment itself. Whether a dissolution of parliament abates an impeachment, or not, he knew not. It was a question upon which not only doctors, but the two Houses of parliament disagreed: and therefore without saying, "A pox on both your Houses," he would say, who shall decide the point? But this he did know, that whether a dissolution abated an impeachment or not, there were two strong reasons why it should, and there was one still stronger reason than both the others, why it should not. The first strong reason was, that the parties themselves are content to have it so; and the maxim of law is, "*consensus tollit errorum;*" the next strong reason was that it would be removing a heavy yoke that has long been imposed on their lordships necks, making the case of the noble lord on the woolsack the case of all their lordships; and bringing to his mind that noble lord's emphatic words upon this occasion, who, upon being asked some question respecting the trial, said as he had been told, "It is not Hasting's trial, it is my trial." As it certainly is so far as the patience of the House has been, and would be again affected by it.—But the one still stronger reason than both these against the abatement is this; if the legislature in its wisdom has thought it right to enact, as was done in the act of settlement, "That a pardon is not pleadable in bar of an impeachment," does not an abatement of an impeachment by a dissolution of parliament, rest upon the same ground of reasoning on which this clause was enacted, namely, the power of dissolution being in the hands of the crown, "that it might defeat the whole use and effects of impeachments, and destroy the chief institution by which government is to be preserved?" But this was a question which he should not argue, leaving it to be determined by the better judgments of their lordships, as he should be by the general sense of the House in the vote that he should give.

Lord *Mulgrave* agreed, that great deference was to be paid to precedents and the wisdom of our ancestors, a system that we certainly were always safe in recurring

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to upon any occasion, when our own reason and knowledge did not point out to our conviction a proper and salutary mode of proceeding. He said, the rights of the people of this country, as to the questions of property, depended merely on precedent; he conceived, however, that the proceedings of that House were not to be guided so much by precedent as by their own discretion. Precedents ought certainly to be followed where they were right, and were to be avoided where our ancestors had been guilty of error. There was a wide difference between the courts below and that House, with regard to the authority of precedents. The business of the House of Lords, as a court of judicature, was, to try great and important causes; causes that were too important for the inferior courts, and where the persons concerned were of great weight, and were beyond the grasp of the ordinary courts of justice. Such had been accounted the proper subjects of impeachment by the House of Commons. The courts below should be confined strictly to positive rules of law; but how did that apply to that court, which was formed for great and extraordinary occasions? They could not, he conceived, be tied down by such rules. What had been done in former times was the best clue to guide them in their inquiries; but their lordships must above all, use their reason in every case that came before them. He said, he had read the report upon the table and when he bestowed upon it the praises which were justly due to the committee who drew it up, he must at the same time own, that his mind was perfectly made up on the question of, whether or not an impeachment abates by the prorogation or dissolution of parliament; he clearly thought it did not; and a contrary doctrine could not be maintained, in his opinion, without a violation of reason, justice and common sense. If it was to be supported in that House, there would be at once an end to the power of impeachment in the House of Commons, the right of judging on such cases in the House of Lords, and the prerogative of mercy, which was one of the best and most brilliant that was attached to the crown; besides, in cases similar to the present, it would be doing a manifest injustice to the individual who was the object of the prosecution, by depriving him of the opportunity of clearing himself of those charges which might be brought against him; and what was worst of all, in the power of a bad minister it might be done at any time, contrary to every thing that was just, honourable, or constitutional; for if an impeachment was to abate by a dissolution of parliament, it would be in the power of the king, or a minister, who might advise the king, to dissolve the parliament, after the culprit had been regularly and fairly impeached, tried and found guilty, and by this dissolution, between the period of his being convicted and that of passing or executing the sentence of punishment the whole proceeding of the impeachment, however justly and constitutionally carried on, would be null and void; which in his opinion, put the doctrine of abatement by a dissolution of parliament, in so ridiculous and inconsistent a point of view, that it could not meet with the least countenance from their lordships. He approved of the motion as the most likely and suitable way to come to the fairest and speediest termination of the impeachment.

The Earl of *Radnor* expressed a strong sense of the evils that must result from leaving it at the pleasure of the Crown to put an end to an impeachment, which must be the consequence of deciding that impeachments abated on a dissolution of parliament; but he was not certain that Mr. Hastings's bail were by their bond of recognizance bound for his appearance, and therefore he wished the clerk to read the entry in the journals of the House relative to the recognizances entered into by the sureties for Warren Hastings, esq. which being read, his lordship said, he still entertained doubts, and wished that point to be settled before the House proceeded farther; as he thought it would be an awkward situation were their lordships to go to Westminster-hall to proceed on the trial, and find no Warren Hastings at their bar; and yet he was not sure but such a circumstance might happen, not knowing what authority there was to prevent it, or by what means he could be again taken into custody. He therefore meant to offer a motion; but as he believed, in point of order, he must make it as an addition to that now before the House, he would move to leave out all the words in the original motion after the word "that," and to insert in their place these, "The judges do attend on Wednesday next to deliver their opinions upon the following question, viz. 'whether the 'recognizances entered into by Warren

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'Hastings, esq., John Sullivan, esq., and 'William Brightwell Sumner, esq., on the '21st of May, 1787, are still in force.'"

Lord *Loughborough* pointed out the impropriety of the noble lord's motion, since it was impossible, consistently with law, that the judges could give an opinion upon a question referred to them by that House, which might afterwards come before them in their judicial capacity in an inferior court.

Lord *Hawksebury* said, he did not mean to give his own opinion upon the business of the impeachment, but rather approved of more deliberation, as there were certainly many questions that ought to be decided before their lordships could agree to so decisive a vote as that proposed by the noble baron. The noble earl who had made the last motion, he conceived, had done it with a view of getting free of the other; but he thought the shortest way would have been to move the previous question. He then proceeded to observe, that in every court there were rules of proceedings, and when they became the law of the court, they in fact became a part of the law of the land. He apprehended it was of the utmost importance to preserve in their decision as much uniformity as possible. Several questions had been proposed by noble lords, but the question which ought first to be considered was, whether their lordships could and would proceed. If their lordships decided in the affirmative, they would next have to consider, if, when they went down to Westminster-hall, they did not find Mr. Hastings there, what was the most proper method of taking him into custody. But the question upon which all the rest depended was, whether the impeachment remained *in statu quo*?

The Marquis of *Lansdown* said, that this important question was opened with great candour by the noble baron. He had stated that he had a clear opinion on the subject, but that before he delivered that opinion, he wished to hear that of noble and learned lords. The motion certainly gave them an opportunity of considering the question, though perhaps not in quite so direct a way as was consistent with the dignity of the House. The learned lord on the woolsack had advised their going into a committee, and it was certainly very material to go into a committee, not only for the sake of obtaining freedom of debate, but also for the obvious reason that it gave them the opportunity of another and fresh consideration. The subject had been debated three days in the Commons, and their lordships ought to give it a full and serious consideration. Another question had been stated by a noble lord, namely, whether the proceedings were *in statu quo*? He was, the marquis said, ignorant of both these questions. He considered it as a great legal, and not at all as a political question; and God forbid that ministry should exert ministerial influence in it! Let the question be taken up on the ground of analogy, of precedent, or of general reasoning, it was, he conceived their lordships province to settle the proper mode of proceeding

Lord *Grenville* said, he felt as strongly as any of their lordships, that the question was totally unconnected with any system of government, or with any individual who had a share, or who hoped to possess a share in the executive government. Setting aside, therefore, all ideas of that sort, he should deliver his opinion on the subject honestly, and without prejudice or partiality of any sort. He should have been for a direct way of bringing on the question; but if there was one way of considering the subject fully and fairly, and another of only obtaining a partial view of the subject, he should prefer the first mode of treating it. He was one of those who agreed with the noble baron in thinking, that the impeachment was still depending. He thought the motion of the noble baron was well calculated to bring the question as fairly, as fully, and as completely to a discussion as any other motion that could possibly be stated. He saw no advantage whatever in going into a committee.

The *Lord Chancellor* said, that if they decided at once on the original motion, it would be impossible for them afterwards to say a single word, if they entertained any doubts. He had read the report with great attention, and it seemed to him to be little short of demonstration, that by the habits and practice of that House, an impeachment was universally understood to abate at a dissolution.

The Marquis of *Townshend* said, he had, in discharge of his duty, given his constant attendance to the trial, and could not help saying, that much of the hardship of the case, in the continuance of the trial, and which converted it from a prosecution necessary to the honour and justice of the country, into a prosecution

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of the individual, was to be attributed to themselves. If, instead of two days in the week, they had devoted to it four, or even six, they would not have given occasion for the complaints of delay; nor perhaps would they have had ground for the present debate. But on the question, that an impeachment did not abate by a dissolution, his mind was fully made up. He could not conceive a measure of more severe injustice, than that by any possible means, a trial once begun should not be pursued to its regular end of acquittal or condemnation. He was satisfied that such was the law of parliament and the privilege of the subject.

Lord *Stormont* hoped the question would not be decided without grave and serious discussion; nor until the opinions of learned lords, whose peculiar course of study eminently qualified them to inform the judgment of the House, had been fully delivered and maturely weighed. For this reason it was, that he rose to submit to their lordships the opinion which he had formed, and the reasons on which he had formed it—an opinion not entirely free from doubt, and still subject to such information as he might yet receive. Had the stream of precedents flowed in one uniform channel, or had there been no precedents at all, he should have been under no kind of difficulty. By the unbroken tenor of precedents, he should have felt himself bound to abide as law, whatever had been his opinion of what the law ought to lay down: and had there been no precedent he should have felt no difficulty in pronouncing, on general principles of reasoning, that an impeachment by the Commons ought not to abate by a dissolution of parliament. If the law were otherwise, the right of impeachment, which was the best security to the people against the abuse of power, and the best security to the crown against the abuse of confidence reposed in its ministers, would be of little avail to any good purpose, and might be made the instrument of the most grievous oppression. Powerful guilt might be snatched from punishment, at the very moment when punishment seemed ready to fall upon its head; and an innocent man might be brought to trial, without the means of obtaining an acquital, let his innocence be ever so apparent; nay more his very defence might be made use of to criminate him, by stopping one impeachment before judgment, and prefering another on the same grounds.—When he came to speak of the precedents, he spoke with great diffidence; but, under the narrow view he had taken of them, they appeared to be in favour of what he conceived the law ought to be. The resolution 1678, considered in all its circumstances, he thought a strong proof of a general opinion among the greatest and most able men of the time, that impeachments by the Commons did not abate by a dissolution. On a general opinion that this was the ancient law and practice of parliament, that resolution must have been founded. In support of this point, his lordship commented at some length on the opinion of the judges, against bringing the lords impeached in the preceding parliament to trial, before the meeting of a new parliament, and on the speech of the lord chancellor in his majesty's name, at the meeting of the new parliament, setting forth, that although the impeached lords had petitioned to be brought to trial during the interval of parliament, "his majesty had thought it fitter to reserve them to a more public and conspicuous trial in parliament." This resolution acquired additional authority from its having been acted upon in the cases of lords Danby and Stafford. The resolution of 1685 did indeed, appear to rescind the former but when he considered the circumstances under which that resolution had been passed, and the gross servility of the time, he could not allow it to be of much weight.—His lordship next reviewed the case of lords Peterborough and Salisbury in 1690, in which, he said, there was something that he could not unravel, and which he believed to have been intentionally perplexed. If they were discharged because their case came under the general pardon, why refer to the dissolution and several prorogations of parliament? And if they were discharged because it was understood, by virtue of the resolution of 1685, that impeachments abated by a dissolution, why was a committee appointed to seach for precedents? They were discharged on a general question, without distinguishing whether the ground of their discharge was the general pardon or the dissolution. But from all the circumstances, there was reason to believe, that the resolution of 1678 was not considered as rescinded by that of 1685. From these, and other cases, he inclined to think that the resolution of 1678 was and still continued to be, the law and practice of parliament. Whether there was or was

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not a distinction between a prorogation and a dissolution, he would not take upon him to decide: but of this he was certain that, considering them in one point of view, there was a broad, clear, unembarrassed line to follow; namely, that all legislative proceedings, left incomplete, fell to the ground by a prorogation, and just so by a dissolution: and that all judicial proceedings remained *in statu quo* after a prorogation, and just so after a dissolution. In every other point of view, he met with difficulty, doubt, and embarrassment. It had been asserted, that all supreme courts were competent to establish rules for their own proceedings; but this was only to be understood as far as those rules were consistent with the institution and purpose of the courts, and the general principle of reason and of equity. —He had heard it somewhere alleged, as a reason against the continuance of an impeachment from parliament to parliament, that their lordships were not the same judges after a dissolution as before. This would prove a great deal too much. It would not be contended that such of their lordships as had sat in the former parliament were not the same judges. If it was meant only that new members were introduced among them, in a body consisting of so large a number, there must, in the natural course of things, be frequent individual changes; and if it were to be contended that a judicial proceeding must abate on that account, no such proceeding could continue with certainty through a single session. The Commons, it was also said, were not the same accusers. It was true, that the House of Commons which preferred the impeachment, existed no longer; but the very impeachment was preferred in the name and on the behalf of all the Commons of England. They were the accusers, and it would not be said, that because their representatives who acted for them were dissolved, they were also dissolved and existed no longer.

Earl *Stanhope* said, that if an impeachment were to be stopped by a dissolution, that remedy which was given to the people against the abuse of power, for such the right of impeachment was, would be completely destroyed. A minister might at any time make use of the power which he had abused to screen himself, or any of his instruments, from public justice. In no opinion could he be clearer than that such ought not to be the law. The case of the duke of Leeds, who was impeached in 1695, and the articles exhibited against him, dismissed in 1701, because the Commons did not prosecute, appeared to him decisive; the Lords having voted that the articles be dismissed, "the Commons not prosecuting," was an express acknowledgment, that if the Commons had prosecuted, the articles could not have been dismissed. The motion for consulting the judges on the state of the recognizances was premature; such a question could not come properly before them, till their lordships had decided, whether the impeachment was or was not pending. He wished, however, that the whole might be fully discussed in the manner suggested by the learned lord on the woolsack, and in order to do that, he should propose to withdraw the amendment, vote the previous question on the original motion, and then resolve into a committee and debate the three points suggested by the learned lord severally.

The *Lord Chancellor* said, that the present was a question wholly abstracted, and that it formed no ground for their present decision, to know whether the government of Mr. Hastings had been a government of despotism or of equity: whether he had left the provinces entrusted to his care, desolate and wretched, or populous and flourishing. They were to judge from the law as it stood; not to say what that ought to be, but what it is; and not to decide whether that which is ought to be the law in any future instance. It was one thing to be tried by the laws of one's country, where they were known, and where every step of the procedure could be easily traced, and to be tried by the pure discretion of that House, without any regard to precedents. That House ought at least to be governed by the rules which it had laid down to itself. He was extremely anxious they should weigh thoroughly, and be sure they were not departing from those principles which they had laid down.—He said, that although he had not had time to arrange the important matter of the volume of precedents, in the historical order which he thought would have enabled him to prove to demonstration that no impeachment had been ever conceived to exist after the dissolution of the parliament in which it was preferred, he would deliver his sentiments in the best manner which the consideration he had given it would admit. The particular case, he was well

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convinced, would be laid totally out of their lordships consideration in disscussing a question which might involve in it the fame, the fortune, and the life of every one of themselves, and of every one subject to their jurisdiction, by impeachment. When they talked of the great advantages of the right of impeachment, they ought not to forget the great severity of it. If that which was intended for the general safety and protection of the public at large, was to be converted into an instrument of oppression to individuals; if instead of being kept sacred to general good, it was to be rendered applicable to private ruin, what would this be but to "seeth the kid in its mother's milk." From the view which he had been able to take of the precedents, as well as those that related to impeachments as to other judicial proceedings, he was convinced that in the earlier ages of the history of parliament, they were universally in favour of abatement by dissolution. He laid it down as a general principle, that on every accusation or impeachment preferred by the Commons to their lordships, as long as it remained legally before them however improper they might think the conduct of the accusers, they had no power to dismiss it before judgment, without notice given to the accusers. This was not only a rule by which their lordships were bound in their judicial capacity, but every other court; and it must not be taken only in particular cases, but in all. Now, according to this rule, every instance of an impeachment dismissed without notice sent to the Commons, calling on them to proceed if they thought proper, was a precedent in favour of his doctrine.—He then answered the objections that had been advanced against an impeachment abating at the dissolution of parliament. It had been observed, that if that was the case, the king might dissolve the parliament whenever he pleased, and consequently prevent all the effects of an impeachment. He said this was by no means a decisive objection. The exercise of all power, from its very nature, was liable to abuse, and the only remedy that could be applied was punishment when deserved.—He adduced various instances, particularly that of the duke of Buckingham, to show that according to the ancient practice of parliament, all judicial proceedings did abate by dissolution, although the crimes they were meant to punish, or the grievance they were intended to cure, often remained. So the law rested till 1673. He entered into a learned investigation of the origin and meaning of the prorogation of parliament, which he contended meant nothing more than putting off a parliament appointed to be held to a more distant day, and was therefore a distinct thing from a dissolution. Noble lords had argued as if no attempt could be made to distinguish between the legislative and judicial proceedings of parliament. If there was no distinction, it must follow of course, that when the Lords and Commons sat in one House, they must have taken an equal share in all proceedings, both legislative and judicial. How, then, could the one have been supposed to contiue after a dissolution, when the Commons were no more, when it was admitted that the other fell to the ground? It was said, that supreme courts were competent to make rules for their own proceedings, only to a certain extent. They were to be guided by the principles of equity and reason, but then it must always be by their own notions of equity and reason, because there was no appeal from their decision. If parliament was the sovereign power, with parliament it must rest to make rules of proceeding, as well as to enact laws, according to the maxim of the civil law, "cujus est condere leges, ejus est interpretari." It was most undoubtedly true, that sovereign bodies in all cases might make such rules as they thought proper, and however unreasonable these might seem to other people, they must be the rules as long as the jurisdiction and authority of those who made them was acknowledged. Were the Lords to take up a bill depending in a former session in the same stage in which it was left, send it down to the Commons, they adopt it, and his majesty give it the assent, that would in future be the practice of parliament. Such a case was the resolution of 1673, which continued certain judicial proceedings from parliament to parliament. The resolution of 1678, by which impeachments were declared to remain in the same state after a dissolution, was not entitled to all the respect which a noble viscount was inclined to bestow upon it. Of the characters of the men who adopted that resolution, he should only say, that neither the conduct of the then lord chancellor on lord Danby's pardon, nor his speech to lord Stafford, after he was found guilty,

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were instances that he would quote in favour of his character. When he saw all the bad passions of men let loose: when he saw accusers and judges bringing men to trial, and convicting them, not because they had committed crimes, but because they had rendered themselves obnoxious to this or that party; when he saw an assemblage of all the vices which Swift had concentrated in the character of a Yahoo, at work upon the stage, that was not a period to which he would refer for a good precedent. That precedent, whatever might be its value, was completely done away by the resolution of 1685.—He went through the subsequent precedents, contending, that lords Peterborough and Salisbury were discharged on account of the dissolution, and not under the general pardon: that the impeachment of the duke of Leeds not having been mentioned in the parliament next following that in which he was impeached, must have been considered as at an end by the dissolution; that including him in a subsequent discharge with other lords, unless done as declaratory of what was done in fact before, was illegal; that the case of lord Oxford was materially different; that protests were not to be argued from, as proving what they could only be admitted to assert; and that on all these cases he had at least raised such questions, if he had not fully established the points for which he contended, as ought to induce the House to go into a more solemn and deliberate discussion. To say, that the abatement of impeachments by a dissolution would defeat the right of the Commons, was a bad mode of reasoning on a particular case. That right, like every other, could be exercised only according to law; though it might be good general reasoning to say, that the exercise of it ought to be more secure and more efficient; that could not apply to an existing case, which must be decided by the law as it stood. It was equally unfair to argue, that because the power of the crown to stop an impeachment might be abused, no such power could exist. If no power could exist that was capable of abuse, no power whatever could exist. Parliament had tried its skill in constituting a court for the trial of certain offences. What had they done there? They had enacted, that no person holding an office under the crown should be a member of that court. He did not see why a man's being thought qualified to hold a public office, should disqualify him from being an equitable judge, or that it would be any great advantage to the ends of public justice to have the members of a court all of one party. Analogy was as little in favour of the continuance of impeachments after a dissolution, as precedent.—He entered into a minute discussion of the origin and practice of writs of error, and contended, that from the nature of the original process, they could not, and in fact did not continue from parliament to parliament till after 1673. The judicial power of parliament was no more permanent than that of judges of oyer and terminer. Parliaments were summoned for special purposes, as judges were sent with a special commission, and the legal termination of the one was as much the termination of judicial power as that of the other. The accusers were said to be permanent, because the Commons of Great Britain were the accusers. The impeachment was preferred in their name, and conducted only by their delegates. It was an ungracious thing to take from the compliments that were usually paid to the people: but were they known in any legal form but in the House of Commons? Some of them were represented, many of them were unrepresented. They were all virtually represented by the House of Commons, and there alone it was, that their efficiency was known in law. The House of Commons might be said virtually to represent their lordships; they granted their lordships money, as well as that of the people; and on the ground of virtual representation, they might as well say, that a grant of money ought to continue from parliament to parliament, as an impeachment. The learned lord concluded with observing, that from the report laid upon the table, their lordships must consider an impeachment to be abated by a dissolution.

Lord *Loughborough* entered at large into the history of writs of error, and reasoned from it to show, that they were not abated by prorogation or dissolution. He maintained, that the only difference between prorogation and adjournment was, that the latter was the act of either House of parliament, and the former the act of the crown. In reply to the doctrine, that abstractedly, and in the true sense of the word, prorogation meant the power of adjourning the day of meeting before a parliament, or session of parlia-

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ment, had assembled, and not any subsequent adjournment of the House, as it was now practised, he said, that without referring to the abstract sense of the word prorogation, the usual application of it was the point that could alone be worth consideration. Without, therefore, calling upon the learning that had been displayed in the definition of the word, it was sufficient for his argument, that he annexed to it the meaning, in which nine persons out of ten understood it.—He also controverted the doctrine, that the House of Commons did not impeach, in the name of all the people of England; and asserted that they did emphatically prosecute in the name, and on the behalf, of all the people of England. The learned lord, he observed, had said, that the House of Commons did not really, but only virtually, represent the people of England; but the fact was, that they were sent to parliament as representatives of the whole people; and the clearest proof of this was the power of the Commons to grant supplies.—But the learned lord had said, that the House of Commons voted the money of their lordships, as well as the money of the Commons of England. It was true they did so; but when? Not before their lordships, in their parliamentary capacity, had personally signified their consent to such votes. It was therefore indisputable, that the House of Commons represented all the people of England, and voted and prosecuted in their name and behalf. Their lordships voted for themselves; and had the single advantage of being the judges before whom impeachments were brought to trial by the House of Commons, who, on those occasions, were the accusers.—In settling the constitution, every thing that was single and indivisible, was wisely lodged with their lordships; every thing that was divisible was given equally to the two Houses, after the separation of the parliament, and the discontinuance of the ancient custom of the parliament (both Lords and Commons), sitting in one chamber and under one roof. Hence every thing that was judicial was vested in that House, and every thing of a legislative nature divided equally between the two; and this it was that gave the true poise and character to our constitution; a monarchy, something of an aristocracy, and a sober and temperate democracy, constituting its frame.—Let not their lordships, therefore, act incautiously with regard to the popular part of the constitution. Let them look about them, and be warned. Let them not deny that the people were any thing, lest they compelled them to think they were every thing. His lordship observed, that the formal cause of their parliamentary powers had been confounded with the efficient cause. The writ of summons, he said, was merely the formal cause of their being assembled as a parliament; but their efficient parliamentary privileges and functions derived themselves from the constitution itself, and were uniformly the same.—His lordship went into a detail of the cases to be found in the report on the table, and in the pamphlets which had been written on the subject. He went through the particulars of the impeachment of the five Popish lords, lord Danby, the earl of Stafford, lord Salisbury, and others, down to that of lord Oxford. He mentioned the character of lord Nottingham in terms of the highest panegyric, and laid great stress on his famous speech to the new parliament, after one of the dissolutions, supposed to have had their origin in order to defeat the then depending impeachment. By that speech, in which lord Nottingham, then chancellor, earnestly exhorted the Lords to pay due attention to the preceding impeachments, it was evident what lord Nottingham's opinion on the subject of continuance of impeachments was. He also mentioned the circumstance in lord Danby's case of the King's taking the great seal and himself affixing it to the pardon of the lord high treasurer, and subscribing it with his own hand; on which account the House of Commons then in existence had refused, most virtuously and constitutionally, to suffer the pardon to be pleaded in bar of the impeachment.—The whole tenor of his lordship's argument went to prove, that a continuance of prosecutions by impeachments had been recognized in theory, and acted upon practically, in far the greater variety of instances, that had occurred in prosecutions of that sort. He showed that if the case were otherwise, and the Crown could, by a dissolution, put an end to an impeachment, that mode of prosecution, deservedly admired as it was by foreign writers, and described by Montesquieu as the most beautiful feature of our constitution, would become a means of escape to the guilty, and a cruel weapon of injustice to the innocent. It would

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then be an impossibility to get at a bad minister, let his crimes be ever so enormous; our much boasted constitution would lose one of its best securities, and ministerial responsibility would become merely nominal.—In the course of his speech, his lordship pointed out the fallacies of sir George Jefferies, and other court sycophants, in a reign of servility and courtly complaisance, and rested his argument, for his constitutional doctrines, on the authorities of chief justice Hale, lord Clarendon, judge Holt, and above all, Mr. Justice Foster, who was, he said, the best constitutional lawyer that ever wrote on the subject, and from whose works he would, with the leave of the House, read a passage on impeachments perfectly in point. His lordship then read an extract, peculiarly apposite to the subject, which spoke of the process of impeachment as an instance "of the constant activity of the constitution," which lent a spirit and a vigour to the whole, far superior to any thing to be found in the constitutions of other countries. His lordship concluded with declaring, that he should give his vote for the question moved by the noble baron, feeling himself ripe to proceed to do so without farther delay.

Lord *Kenyon* said, that being led to expect that the sole business of that day would have been to refer the report of the committee on the table, to the committee of privileges, and that there would have been at least an interval of eight and forty hours previous to the principal discussion taking place, he had not intended to have said a word upon the subject. Finding, however, that the debate had unexpectedly taken a different turn, and supposing that it was expected, from the station he held, that he should deliver his sentiments, he rose to do so, but he would neither deal in extravagant encomiums on impeachments, nor in invectives against them.—He thought it right to declare in the onset, that the volume of precedents on the table had unfortunately come out so late, that by the time it was delivered, he was engaged in the discharge of his official duty, and in consequence had not been able to read a single page of the report. Having acknowledged this, he was aware that it might be said to him, "if you profess yourself ignorant of these precedents, why do you presume to give your opinion on the subject." In answer, he should say, that he had formed his opinion on other grounds, which fell within his reach, and which rendered him fully competent to make up his mind to the matter. —Having premised this, he solemnly exhorted their lordships to consider that they had not the single case of an individual before them; the rule they laid down that evening would affect their own fame and fortunes, lives and properties, whenever they or their descendants might happen to be tried for treasons, in common, as they would proportionably affect those of every other description of his majesty's subjects, when tried for misdemeanors only; their lordships ought therefore to be sure that they did not lay down a rule, which, however it might at first sight appear to be prudent and proper, might, when brought into general operation, prove pregnant with inconvenience, mischief, and danger. Their lordships ought to act in a case of that kind, as if they were aware that they were about to dip their hands in the blood of their fellow subjects. The whole of the question appeared to him to lie between the two resolutions, that of 1678 and that of 1685. One of them had been made on the spur of an occasion, which was a bad feature in any rule that was meant to apply generally in future, and, what was still worse, that resolution was meant, as it afterwards turned out, to be calculated to countenance the assassination of an individual under colour of law. Whatever, while their passions were warm and their prejudices strong, men might think of the conviction and sentence of the unfortunate viscount Stafford, he believed there was no man now, when reason had resumed her seat, and sober reflection had succeeded to the violence of party feeling, but was ready to agree with him in pronouncing the execution of lord Stafford a legal murder.—There were three distinct considerations which ought to weigh with their lordships, in deciding upon every question of criminal justice, as well in the superior mode of proceeding by impeachment, as the inferior processes in the lower courts, viz. that they were not only to view the constitutional right of the Commons to impeach, and their own functions in the character of judges upon all trials of impeachment, but that there was a third part, the party accused; who ought ever to be considered as entitled to their justice and their protection.—He was at a loss to comprehend what a learned lord meant, by denying that the writ of

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summons was the source of their authority and power, as members of a house of parliament, acting in a judicial capacity. In his own case, he well knew that his majesty's writ, constituting him to fill that situation, which he unworthily held, gave him the right to judge all those causes that were brought before him. It did not certainly specify what those causes were to be; but it gave him that authority, without which he could not have taken his seat on the bench of judgment. In like manner, he could not have come into that House to act as one of Mr. Hastings's judges, had not his majesty's writ of summons called him there. It was undoubtedly true, that Mr. Justice Foster was a great legal authority; but in one part of his writings he supported the abatement of a dissolution; and sure he was, Mr. Justice Foster would not have countenanced so dangerous an idea, as that they were to consider the law as it ought to be, and not the law as it was. The latter, and no other, ought to be their rule of conduct. He said, if dry legal reasoning, and a strict attention to forms of practice, (on which substantial justice depended) were unpleasant to their lordships, they had better not call on lawyers for their opinions, but either send them out of the House, or not suffer them to babble there. He spoke of chief justice Hale in terms of strong praise, declaring that it was an undoubted fact, that he would never sit on a criminal cause, because he doubted the authority of Cromwell to try any such causes. His lordship said, he was in great hopes that what had been laid down with so much weight by the learned lord on the woolsack would have been adopted, and that they would have referred the matter to a committee of privileges.

The Earl of *Guilford* expressed his astonishment that any noble lord should call for farther delay He, for one, was ripe to decide the main question then; and even had he been in doubt before, what he had heard that night would have convinced him, that an impeachment did not abate by a dissolution. The question had been before the House three months; any farther delay therefore, must, he should conceive, be a useless procrastination. The learned lord had talked of humanity; the question, he understood, was a question of law, and the principle of our law was always humane; any other humanity, therefore, would be foreign to the consideration, when they were to consider the law as it was. It might be equally conducive to the ends of justice and of humanity, that a person accused by an impeachment should have as early an opportunity afforded him as the nature of the case would admit, of making his defence and clearing himself, if possible, from the load of obloquy that might have been heaped upon him pending an impeachment. If, therefore, an impeachment abated by a dissolution, an innocent man (for so ought every man to be considered, till he was proved to be otherwise) would be deprived of the only means of proving his innocence, and thus be stamped with infamy, which he could never wipe away during the remainder of his life. His lordship laid great stress on the power that a bad minister would have to screen himself, and persecute his political foes, if the doctrine were to obtain, that an impeachment abated on a dissolution of parliament. Should that doctrine ever be revived, impeachments would no longer be looked up to as the first grand medium of criminal prosecution for delinquents whose crimes came not within the reach of the ordinary course of justice, but would be converted into instruments of tyranny, under colour of law, to screen the guilty, while they could not be of any service to the innocent.—He denied, that the writ of summons gave members of that House their functions. The writ, indeed, summoned them to meet at Westminster, but they possessed the right of being judges, as their ancestors had done before them, as a matter of indisputable hereditary right. It had been said, that there were no longer the same accusers. Those who argued thus, forgot that the majority of the new House of Commons was the same as had sat in the former House, and when they came into Westminster-hall, they would probably find the same individual accusers managing the impeachment. His lordship concluded with supporting the original motion.

Lord *King* was amazed that the noble earl should have ventured to have taken any part in the debate. The noble earl had himself been an accuser, and it was, in his mind, highly indecent for any noble lord so circumstanced, to interfere with the order of proceeding, the instant they became one of the judges. Lord King said, they ought not to be sent into Westminster-hall without having considered the precedents on the table.

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The Earl of *Guilford* asked, if there was any thing indecent in having exercised his right as a peer to deliver his opinion on a great constitutional question, because he had been a member of the House of Commons when the impeachment had been voted? He had certainly concurred in that impeachment, though he had never concerned himself in the management or progress of it. The business of that night was not the little case of Mr. Hastings, but a great constitutional question, whether impeachments did or did not abate on a dissolution of parliament? If the noble lord thought no peer who had not sat in that House above three years, had a right to exercise the functions common to them all, the court, when they were called on to go into Westminster-hall, would be thinned of its judges more than the noble lord perhaps might wish. He presumed it could not be more indecent in him to deliver his sentiments, than it had been in the noble secretary of state, who had distinguished himself so eminently as the head of the committee that drew up the voluminous report on the table, or in the learned lord so worthily placed at the head of the criminal justice of the kingdom.

Lord *Grenville* also defended himself from the imputation of having acted either improperly or indecently, in taking an active part in the business then before them. If the noble earl who spoke last deserved censure for having delivered his opinion, how much more must he merit condemnation for having presumed to give his sentiments to the House, since he made no scruple to confess, that he had stood forward in the other House of Parliament as an advocate for the impeachment, and, by speaking and voting, done every thing in his power to promote it, because he thought there was matter of charge enough in the articles, to make an impeachment necessary for the national honour, and for the ends of national justice. When acting as an accuser, he had done his duty, and no more; but called upon as he then was, by a change of situation, to act as a judge, he trusted he should do his duty likewise. The motion then before their lordships had no relation to Mr. Hastings; it was of infinitely greater magnitude than a question relative to an individual. The objection that might be taken to him, on account of his lately having the honour of a seat in that House, had no weight whatever in his mind, because it was a circumstance incidental to all impeachments. The argument on that head would extend infinitely farther than the noble lord who had stated it seemed to be aware of. It would serve equally as an argument on the appointment of every new-made bishop, or the election of a new peer of Scotland, much more such a change as the general election usually occasioned.—His lordship proceeded to argue the main question, and began with declaring, that what he had hinted at as his opinion, when he last troubled their lordships, had been fully confirmed by what he had heard in the course of the debate. His lordship proceeded to state his argument in detail, promising their lordships to press his reasons into as small a compass as he possibly could. So amply however had his lordship considered the subject, and so ably prepared was he to reason it in every point of view, that he was nearly two hours in delivering his sentiments. He examined the two resolutions of 1678 and 1685, which he traced to all their bearings on the question before the House. He also spoke of the different cases that had been alluded to by different lords, particularly holding up to their lordships, what would be the situation of a party accused by the Commons, if the crown, for its own purposes, or the minister, from political views of his own, had it in their powers, by the manœuvre of a dissolution of parliament, to put a stop to an impeachment, either before the prisoner had made his defence, or before judgment was pronounced. The existence of the constitution itself would be at the mercy of a minister, if such a power were suffered to exist in any free country.

The Marquis of *Lansdown* said, he must utterly deny the principles that had been laid down in the course of the debate, as the leading principles of the law of parliament. Their lordships, he contended, had no right to go in search of extraneous ground of argument, and to reason upon fanciful deductions of analogy, but were bound to be governed by precedent, where precedent was conformable to law and reason, and not on the spur of the occasion to make a new case. He stated the difficulties in which legal considerations involved every man, who had no professional knowledge; in particular, he stated the absurdity of the law in the cases of wills; landed property descending, and personal property ascending.

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The marquis mentioned other absurdities of law, to warn their lordships from wandering out of the case, declaring that they were confined to the simple and single consideration of the law as it stood. It was not to be considered as the case of an individual, but as a general rule of law, of which they were establishing or violating a precedent, and therefore, exclaimed his lordship "perish ten thousand Mr. Hastings, rather than one atom of the law as it stands should be disturbed!"—It had well been said, by the learned lord at the head of the criminal justice of the kingdom, that the whole question lay between the resolution of 1678 and that of 1685. His lordship contended, that as the resolution of 1685 annulled that of 1678, the resolution of 1685 was clearly to be taken as the rule of proceeding, and was applicable to the present case. In order to make out this, he went into the history of the two periods, and said, he had been highly pleased on hearing the encomium passed by a learned lord, on lord Nottingham, than whom, a man of more strict integrity, profound knowledge of law and strong sense, never held the high office of chancellor of England. It was, he said, on lord Nottingham that he rested his opinion entirely; an opinion fully confirmed by what he had heard since he came into the House. He meant that lord Nottingham should speak for himself, for he declared, he held him in his hand, and when their lordships had heard him, he should be surprised if they were not as fully convinced as he was. Before, however, he read a syllable of lord Nottingham's own writing, he held himself bound to state how the work fell into his hands. He begged their lordships therefore to know, that he was a great collector, a much greater indeed, than he was a reader; that he had purchased many manuscripts of Mr. Carr and Mr. West, names well known, and among others, the manuscript he held in his hand was one. His lordship then read a testimonial of the authenticity of the manuscript which was signed by the transcriber, who declared that the copy he wrote it from, was lent him by Arthur Onslow, esq. speaker of the House of Commons, at the time that the testimonial was dated, who assured him, that he (A. O. esq.) had the MS. from a person of character, and that person asserted it to be a correct copy of a genuine treatise of the late lord Nottingham on the subject of lord Danby's case, written in the year 1683; and in 1684 the marquis said, lord Nottingham died. Exclusive of this testimonial, the MS. bore internal proof of its having been the work of lord Nottingham.* Having premised this, the marquis read a passage of the MS. referring to the resolution of 1678, and declaring that it must be revised and corrected, for that in the first place it was a mistake to suppose that an impeachment went on from parliament to parliament. It could not be, &c. His lordship in fact contradicted what had been the prevailing opinion of those times. Having read the whole passage, the marquis commented upon the application of it, observing that as it was so

* "In the year 1791, pending the trial of the impeachment of Mr. Hastings, a small pamphlet was printed and published, intituled, 'A Treatise of the King's Power of granting 'Pardons in Cases of Impeachment,' by Heneage, earl of Nottingham, lord high chancellor. In the advertisement prefixed to it is the following entry: 'There is a memoran- 'dum in the first leaf of this tract in the hand- 'writing of Nicholas Hardinge, esq., clerk of 'the House of Commons, in the following 'words: This treatise was transcribed from a 'MS. communicated to me, by the right hon. 'Arthur Onslow, Speaker of the House of 'Commons; which was transcribed from a 'MS. communicated to him by Daniel, now 'earl of Winchelsea and Nottingham, who 'assured Mr. Onslow, that it was written by 'lord chancellor Nottingham, upon the oc- 'casion of lord Danby's pardon. N. Har- 'dinge, Dec. 1, 1731.' It is very properly observed in that advertisement, 'that the opi- 'nion delivered by lord Nottingham in this 'treatise, viz. That impeachments do not re- 'main in *statu quo* from parliament to parlia- 'ment, is very different from that which he 'delivered and acted on upon the trial of lord 'Stafford.' Another observation is very obvious on the doctrine contained in this pamphlet, which is, that, however clear lord Nottingham might be, when he wrote this treatise, 'that the king might legally grant a 'pardon, which might be afterwards pleaded 'in bar of any impeachment,' it appears from the report of the committee (on the 24th March, 1678, who were ordered to attend his lordship to inquire into the manner of suing forth lord Danby's pardon), that he was so cautious on that occasion, as to be able to assure the House of Commons, 'That he nei- 'ther advised, drew, or altered one word of it.' And afterwards, when the king ordered the seal to be affixed, 'it was done by the person 'who usually carries the purse; and that at 'that very time, he did not look upon himself 'to have the custody of the seal.'" Hatsell's Precedents, Vol. 4, p. 192.

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much stronger than any arguments he could adduce, he would trespass on their lordships time no farther, but would content himself with opposing the main motion, although he could not help observing, that a certain description of noble lords had been convened on purpose to carry the question.

Lord *Loughborough* rose again, and said, he had it in command from the lord president of the council, to do that for him which the late hour and extreme fatigue, would not permit him to do for himself, namely, to state that the noble earl's opinion coincided with his own, and that he had left with him an opinion of Selden, that the new parliament in the impeachment of the duke of Buckingham, did hold, that they might, if they had chosen it, have called upon their lordships for judgment against the duke; a clear proof that they did not think the impeachment was at an end. Lord Loughborough said, he had another high authority to quote, viz. that of a learned and venerable earl, who had authorized him to say, that if the present question were carried, it would be strictly conformable to the law of parliament, and consistent with precedents. With regard to what the noble marquis had read as a MS. of lord Nottingham, they were in possession of the best proof of lord Nottingham's opinion, viz. their own journals, which contained the noble earl's speech, a speech which lord Nottingham did not contradict, when he afterwards sat as lord high steward, on the trial of the earl of Stafford. There might, also, be some reasonable degree of doubt entertained as to the authenticity of the MS. read by the noble marquis.

The Marquis of *Lansdown* said, he would not have presumed to have produced the MS. had he entertained the smallest doubt of its authenticity. If, upon inquiry, it should not prove authentic, he would be the first to state that it was spurious. With regard to the degree of credit due to its declarations, he could not but think a letter written in a man's closet, the year before he died, deserved more credit than any public address of a public man: the more especially as, in 1685, the very circumstance lord Notsingham in his letter predicted, happened, viz. the revision of the resolution of 1678. and a new resolution entered into to annul it.

The Lord Chancellor put the question on the amendment, moved by the earl of Radnor, when the House divided: Contents, 20: Not-Contents, 70. The original motion, "That a message be sent to acquaint the Commons, that this House is ready to proceed in the trial of Warren Hastings, esq." was then put, and the numbers were, Contents, 66: Not-Contents, 18.

Protest against the Resolutions for proceeding in the Trial of Mr. Hastings.] The following Protest was thereupon entered on the Journals:

"Dissentient,

"1st. Becaase I conceive the question to be complicated, containing different propositions as to the judgment, the process, and other points, which ought to have been divided and stated singly and separately:

"2dly. Because the subject being of a judicial nature of great magnitude, and which may ultimately affect, not only the life, liberty, and property of every peer in this House, but also of every person in this kingdom, I conceive it should not have been decided upon so hastily, but ought to have been solemnly argued point by point, with the assistance of the judges:

"3dly. Because this resolution, as I conceive, indirectly sets aside the law and practice of parliament in all ages, relative to impeachments being abated by dissolution without one precedent to the contrary, except in the cases which happened after the order made on the 19th of March, 1678-9, which order was, as I conceive, unfounded in precedent, and made, as it should seem, on the spur of the occasion; and which was reversed and annulled on the 22nd of May, 1685, in pursuance of which last order, consonant to the law and practice of parliament, the earl of Salisbury and the earl of Peterborough were discharged on the 30th of October, 1690:

"4thly. Because the Order of the 22nd of May, 1685, stands now on the journals unrepealed, and consequently, as I conceive, is in force; and the acknowledged law of the land upon the subject:

"5thly. Because this court in its judicial character ought, as I conceive, to be governed by all other courts of law, by precedents and by its own orders unrepealed, where any precedents are established, or orders made, more especially when such precedents are consonant to the law of the land, and to the law and

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usage of parliament; that the subjects of this country may know with precision and certainty the resolutions and laws by which in this high court of judicature, from which there is no appeal, their lives, liberties, and property, are to be decided and disposed of:

"6thly. Because extending the duration of this impeachment from one parliament to another, after a dissolution, even on the ground of the impeachment of the earl of Oxford having been continued after a prorogation, by the resolution of this House of the 25th of May, 1717, is, as I conceive, to extend criminal law by infererence and analogy, which is contrary to the known and settled rules of justice.

"7thly. Because whatever merit or demerit this resolution may contain, I neither claim the one, nor am content that myself or my posterity should share the other." (Signed) "HAWKE."

Debate on the Budget]. May 18. The House having resolved itself into a committee of ways and means,

Mr. Chancellor *Pitt* said, that, in stating the probable receipt and expenditure of the current year, he should lay totally out of his consideration the expense of the Spanish armament. That expense, amounting to 3,133,000*l.* had been provided for by exchequer bills, a sum charged on the consolidated fund, and a loan of 500,000*l.* from the bank. The exchequer bills, and the sum charged on the consolidated fund were provided for by the new taxes already imposed: and to lay the whole of that expense and the provision made for it aside, would leave the attention of the committee unembarrassed, in considering the receipt and expenditure for the year. Of the 24,000 seamen voted, it was to be recollected that 6000 were provided for in the expense of the armament. Taking the expense of 18,000 in round numbers at 936,000*l.*, the ordinary of the navy at 689,000*l.* and the extraordinary, including a considerable increase for building and repairing ships, at 506,000*l.* the whole of the navy would be 2,131,000*l* The army was 1,853,572*l.*, and the ordnance 443,678*l.* Deficiency of land and malt 400,000*l.* Deficiency of grants 207,000*l.* The sums voted for miscellaneous services, under various heads, which he recapitulated, were more considerable than there was reason to expect that they would be in future; 213,932*l.* had been issued from the civil list, on a variety of accounts, which would not occur again, at least to so great an amount. The expense of maintaining and transporting convicts, and the charges of Botany Bay, were 83,000*l.* a much greater sum than would be incurred on the same heads in any future year, because there would not be so great a number of convicts to transport at one time. When his majesty's message was taken into consideration, he meant to move that the sum of 30,000*l.* now paid out of the civil list, be charged on the consolidated fund. His majesty had been unwilling to bring any charge upon the public for establishments to the younger branches of his family, till it was absolutely necessary. The civil list was found to be insufficient for the charges on it. His majesty trusted that the affection of the House would provide for the deficiency, which was not great, and make future provisions for the younger branches of the royal family, as such provision should be wanted. He meant to propose that 12,000*l.* a year, paid to the duke of Clarence out of the civil list, should be charged in future on the consolidated fund; and this, with some other articles making together the sum he had mentioned, was about as much as the civil list was now deficient. The total, under the several heads of miscellaneous services to be provided in the current year was 690,000*l.* The total of supply, adding for fractions omitted, would be 5,728,000*l.*—He came next to state the ways and means to provide for this supply. The land and malt he took at 2,750,000*l.* In the quarter ending the 5th of April, there was a surplus over the charges of that quarter of 303,250*l.* The lottery 306,250*l.* a larger sum than the public had received for it in any former year. The surplus of the consolidated fund, 2,110,000*l.* Balances of various accounts, that would be received in the course of the year, 150,000*l.* The probable increase of the duties on tobacco, from being put under the management of the excise, a regulation that had not its full effect for the whole of the last year, and might be taken at 100,000*l.* arrears of the land tax annually coming in at 30,000*l.* and an alteration in certain small duties at 10,000*l.* All these together he should take considerably under what he thought a fair estimate at 120,000*l.* If, from the total of the above sums, was deducted 9,000*l.* already paid to the duke of Clarence; and to be repaid to the civil list, the remainder would exceed the total

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of the supply by about 6,000*l.*—The committee would observe, that he had left 5,000,000*l.* of exchequer bills entirely out of the account, because they were provided for under another head. He should not detain the committee on any general statement of the finances of the country, because the report of the committee of finance would bring that subject more fully under their view than any thing he could say. From that report, which was drawn up with equal industry and judgment, every member would see with satisfaction, the flourishing state of the revenue. He had founded his expectations of the receipt of the current year, on the very moderate computation of the committee of finance which was taken from an average of three years, although the revenue had been progressively increasing, and the increase of last year including the fifty-third week had not been less than 400,000*l.* He concluded with moving the first resolution.

Mr. *Sheridan* objected, on general grounds, to the right hon. gentleman's statement, but admitted that the report of the committee of finance was as fair a report as could be expected. There were certain omissions on both sides of the account, which would not have happened had he been a member of the committee, and to which he objected; but as he meant to name the first vacant day for discussing it, it was not his intention to go into it then; he would barely remark that the report coincided with what he had formerly troubled the House with upon this subject.

After a short conversation, the several resolutions were put and agreed to.

On the following day, the report of the committee was brought up. On the resolution relative to the lottery being read,

Mr. *Hussey* said, that although the profits of the lottery had been greater this year than on any former year, yet he was clearly of opinion that it was attended with the most pernicious consequences. It was a great discouragement to the honest industry of the country; it inflamed the desires of the poor to grow rich at once, and not by the slow and gradual means of honest industry and daily labour. He said, it was dishonourable and shameful to countenance such a fraudulent bargain. They saw men give more for lottery tickets than they knew they were worth. The minister put these tickets up to auction, to induce persons to become purchasers at a high and advanced rate. Besides that, before the tickets came to those poor deluded people, the public got 300,000*l.*, and it was extremely probable that lottery-office keepers got as much more by selling the number of tickets twice over, and by insuring. He knew that he had the majority of the House against him, but he nevertheless felt it to be his duty to speak his opinion. He thought the country received much more damage from a lottery than profit; and he hoped the right hon. gentleman would make this the last. If the House entertained the same sentiments with regard to lotteries that he did, they would put an end to them at once.

Mr. *Pitt* said, he entertained an opinion on the subject extremely different from that stated by the hon. gentleman; so far from being of his way of thinking, he should be sorry if the ensuing were to be the last lottery. He thought it was a resource of which the public ought to avail itself. If they were to put an end to the lottery, he conceived that would not put an end to the practice of gambling, but that the public would suffer the inconvenience without reaping any of the benefit. They could not prevent people from having recourse to the lotteries of other countries, and to private adventures, which would be attended with more serious consequences to individuals, and to the country, than any arising from a government lottery. Insuring, and all the various tricks which had been ingrafted on the lottery, ought undoubtedly to be prevented; and he should thank any gentleman who could assist him in putting a stop to such frauds; but the lottery itself was of such advantage to the revenue, that it ought not, in the present state of the country, to be lightly abandoned. An objection had been stated to the lottery, that the purchasers, with their eyes open gave more for tickets than they were worth. The fact was, they gave more than the tickets were worth, because they wished to have the privilege of gambling. Lotteries, therefore, were neither more nor less than a tax on gambling; it was only saying, if you gamble, you must pay for it the high price which we demand.

The resolutions were then agreed to.

Debate on Mr. Dundas's Bill for the Encouragement of Seamen.] Mr. Dundas moved, That the act of the 31st Geo. 2,

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and also of the 26th Geo. 3, be read. They were read accordingly. Upon which,

Mr. *Dundas* said, that he wished to draw the serious attention of the House to the subject he was about to propose. The object he had in view, was to encourage the naval service where it seemed most to stand in need of encouragement. It was to prevent the designing from pillaging a useful, though perhaps a very careless, race of men. He stated, that according to the usage of the navy, all ships companies, returning from service, were paid at one time; they were paid on a precise day, and those seamen who did not appear on that day were paid afterwards; but by a bill which had been then read, and known by the name of Mr. Grenville's bill, there were three exceptions to that rule. 1st, Whenever any seaman died on board there was a certificate or dead ticket sent home to the navy board, to give an account of the deceased person, and to enable his relations to receive the wages that were due to him. 2nd, When a seamen was disabled and sent to an hospital, he was furnished with a ticket called a sick or a disabled ticket, signed by the commander, specifying the quantum of wages then due, and in virtue of such ticket he was entitled to receive the wages that were due to him, at the place to which he was sent. 3rdly, There was a very important regulation to enable seamen on foreign service to send remittances home to their relatives before they, or the ships in which they served, could arrive in a British port. In that case the whole crew was called over, and the question was put to them, whether they wished to remit home any money? As many as pleased might do so. Their relations were thus enabled to receive that money through the medium of the collectors of the customs, or commissioners of the land revenue, where they resided.—These were the three different cases in which seamen might receive their wages before the stated time, according to the general usage of the navy. He should, he said, propose to extend the provisions of Mr. Grenville's bill in two very material articles. Seamen were often turned over from one ship to another, and they could not be paid till all the different ships in which they had served, arrived at home. Their payments consequently might depend on the arrival of a number of ships, and if they themselves came home before those ships, they must remain idle till they all returned, or what was much worse, might be under the necessity of disposing of their wages to an alehouse-keeper or to people of higher rank, though not one jot more respectable, and give away perhaps for one guinea what to them was worth 20*l*. He therefore wished to provide, that whenever a seaman was turned over from one ship to another, he should carry along with him the certificate of the wages which he had earned in the ship he was turned over from, and so on with regard to all the ships in which he had served. In this manner, when he came home, he would be entitled to receive his wages, whether all the ships in which he had served had arrived or not.—A practice had obtained formerly for two men to come before a magistrate; the one personated a seaman, and the other his attorney, when they made a false certificate, and thus obtained the wages of a man, who was serving his country perhaps at the time, and knew nothing at all of the matter. On this ground, Mr. Dundas said, he had about four years ago brought in a bill, which generally went by his name, and the great object of which was to prevent the forging of seamen's wills and powers of attorney; and he had the satisfaction of stating, that though during the four years immediately preceding that bill, there were upwards of forty trials for forgery, while during the four years since that bill had passed into a law, there had not been one. This rather encouraged him; and he was extremely anxious to go a little farther, and by extending the principle of that bill to afford protection to that useful race of subjects the British seamen. He had an opportunity of seeing many objects of distress, and had taken considerable pains to improve that opportunity and to learn the places of residence of the widows and families of many distressed seamen. But he must in justice declare, that if he did any good on this subject, it was in a great measure owing to the integrity, assiduity, and ability of Mr. Bedingfield, a gentleman in his office, whose department it was to inspect seamen's wills and powers. By his assistance he had been enabled to form a large collection of cases of seamen's widows, who had originally had claims to their husband's wages; and he read from it one or two instances where seamen's wages were owing, and where their families had not received one half, and sometimes not

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one third, but where the greater part of the amount of what was due, had got into the pockets of other people. His great object was, that seamen should receive their wages as speedily, and with as little trouble as possible. In order to achieve his end, he wished to introduce certain regulations, the effect of which would be, that the seaman should receive his wages without any additional expense; that he should not have occasion to employ an attorney or any other person, but should obtain what was due to him by the mere machinery of the navy pay-office, without a shilling of expense, or the smallest trouble. He next wished to extend all the benefits of Mr. Grenville's bill, and of his own former bill, to the marines serving on board his majesty's ships, who complained that they had been left out of the consideration of both those statutes. Complaints had been made, and he thought justly, that the benefit of these acts did not extend to Ireland. The object of one of the bills, which he was about to move for leave to bring in, was to give seamen serving in any of his majesty's ships in Ireland, all the advantages of the two acts to which he had alluded. This he meant to do by referring them for payment to the commissioners of the land revenue. He should do no more this session than introduce the bills, and print them, that they might be in the hands of every member of that House in the naval service, and of all sea-faring gentlemen, during the summer, who might turn the subject in their minds, and might probably be able to suggest some amendments against the beginning of next winter, when he intended to endeavour to prosecute them through the regular stages, in order that they might pass into laws.—Mr. Dundas accordingly moved for leave to bring in a bill to explain and amend the act of 31 Geo. 2, for the encouragement of seamen in the royal navy, and for enabling them more easily to receive their wages, &c.

Leave was given to bring in the said bills.

*Debate in the Commons on Mr. Fox's Libel Bill.**] May 20. Mr. *Fox* rose to make his promised motion, for a grand committee on courts of justice, to inquire into some late decisions of the courts in cases of libel. He began a most able and argumentative speech, by declaring, that, he was perfectly convinced, that every gentleman who heard him was so well acquainted with the duties that belonged to the House of Commons and its peculiar function constantly to watch with care, every part of the executive government of the country, that it would be unnecessary for him to use any words in order to show that he was not bringing under the consideration of the House, any thing that did not fall within the province of its duty. He said, he was not going to attempt any thing like innovation, but was calling the attention of the House to one of its most constitutional and important duties, viz. a strict attention to every branch of the executive government. The most important part of the executive government was the execution of the laws in courts of justice; he hoped, therefore, he should not excite any unjust prejudices against what he was about to state, by urging the necessity of their watching over this, as well as every other part of the constitution, as if it implied any thing, peculiarly faulty or blameable in the execution of justice at that moment. If the doctrine, Mr. Fox said, were once to prevail, that the consideration of matters relative to courts of justice necessarily implied a failure of the execution of justice, that House must either be negligent of its functions on the one hand, and they must sit silent and suffer abuses to grow to a magnitude which it might be difficult to reform; or, on the other, they must do, what no good citizen would wish to do, they must create an alarm in the country, and excite a suspicion that justice was not fully executed, and thereby injure the nation, by encouraging the subjects of Great Britain to deny that respect which was due to the laws, and to withhold that obedience which ought to be given to the execution of them.

It was true, Mr. Fox said, that he meant to bring under the consideration of the

* "The declaratory statute, 32 Geo. 3, c. 60. (says Mr. Howell, State Trials, Vol. VIII. p. 36), has fully established the right of juries in criminal prosecutions for libels, to give 'a general verdict of guilty or not guilty, upon the whole matter put in issue upon the indictment or information.' This statute originated in the House of Commons, where the motion for the bill was made by Mr. Fox, and seconded by Mr. Erskine. Most undoubtedly the success of the bill is in a very high degree to be attributed to the inflexible constancy and unremitted zeal, with which the latter of these two great men had exerted the vast

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House more than one point; he should, however, first state the point which weighed most on his mind, which was, that which related to the conduct of the courts of justice, with respect to trials on the subject of libel. He would not, he said, take up the time of the House with any general declamation on the subject of the press, Whoever saw what the world was now, and compared it with what it formally had been, must be sensible that it had greatly improved in the science of government, and that that improvement was entirely owing to the liberty of the press. From what he was then stating in favour of the liberty of the press, no gentleman, he trusted, would consider him as a defender of its licentiousness. He was, however, a defender of the liberty of the press, in that sense in which it could be defended. But, if even the just liberty of the press were transgressed, he owned, he should be an enemy to a severe punishment being inflicted after the crime was committed. He was also an enemy to all previous restraints on the press because he thought he could prove, that in all countries, and at all times, previous restraints on the press had the effect of restraining the just liberty of the people, and had never been able to prevent the mischiefs arising from its licentiousness.

Having said so much with regard to the

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powers of his eloquence in maintenance of those rights of juries, which the statute asserts. Notwithstanding it had been declared by magistrates of the greatest learning, that the establishment of such a system would produce infinite confusion and disorder; nevertheless, so it is, that since the indisputable establishment of this system, no confusion whatever has occurred, the functions of judges and juries have been executed within their respective limits; without any competition for jurisdiction; to the advancement of justice, and to the dignity of its administration. The change which has been operated by the statute cannot be more perspicuously stated, nor can its beneficial effects be more happily illustrated, than in the following passage, which I extract from a note on the subject of the 'trial of the dean of St. Asaph,' in the 'Speeches of the honourable Thomas Erskine' (now lord Erskine), &c. vol. i. p. 382.

"The venerable and learned chief justice (lord Mansfield), undoubtedly established by his argument, that the doctrine so soon afterwards condemned by the unanimous sense of the legislature, when it passed the libel act, did not originate with himself; and that he only pronounced the law as he found it, established by a train of modern decisions. But, supported as we now are by this judgment of parliament, we must venture to differ from so truly great an authority. The libel bill does not confer upon the jury any jurisdiction over the law, inconsistent with the general principle of the constitution; but, considering that the question of libel or no libel is frequently a question of fact rather than of law, and in many cases of fact and law almost inseparably blended together; it directs the judge, as in other cases, to deliver his opinion to the jury upon the whole matter, including of course the question of libel or no libel, leaving them at the same time to found their verdicts upon such whole matter, so brought before them as in all other criminal cases. The best answer to the apprehensions of the great and eminent chief justice, regarding this course of proceeding, as then contended for by Mr. Erskine, and now established by Mr. Fox's libel act, is the experience of seventeen years since that act passed.

"Before the statute, it was not difficult for the most abandoned and profligate libeller, guilty even of the most malignant slander upon private men, to connect his cause with the great privileges of the jury, to protect innocence. Upon the judge directing the jury, according to the old system, to find a verdict of guilty upon the fact of publication; shutting out altogether from their consideration the quality of the matter published, ingenious counsel used to seize that occasion to shelter a guilty individual under the mask of supporting great public right; and juries, to show that they were not implicitly bound to find verdicts of guilty upon such evidence alone, were too successfully incited to find improper verdicts of acquittal: but since the passing of Mr. Fox's Libel Act, when the whole matter has been brought under their consideration, when the quality of the matter published has been exposed when criminal, and defended when just or innocent, juries have listened to the judge with attention and reverence, without being bound in their consciences (except in matters of abstract law), to follow his opinion, and instead of that uncertainty anticipated by lord Mansfield, the administration of justice has been in general most satisfactory, and the public authority been vindicated against unjust attacks, with much greater security, and more supported by public opinion, than when juries were instruments in the hands of the fixed magistrates; whilst at the same time, public liberty has been secured, by leaving the whole matter in all public libels to the judgment and consideration of the people. This reformed state of the law, as it regards the liberty of the press, is now so universally acknowledged, that the highest magistrates have declared in the House of Lords, that no new laws are necessary, either to support the state, or protect the people."

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liberty of the press, Mr. Fox declared, he thought there was no danger to be apprehended from any law, or from any thing which they might propose to make a part of the law of the country; on the contrary, it was his opinion, that if the liberty of the press in this country could be in any way endangered, it must be by a series of judgments and a series of punishments on free writings: and this, he doubted not, he should be able to prove. He hoped he should not be told, in answer to what he had advanced, that they had not only reached the mark of liberty, but had gone beyond it. He hoped he should not be desired to look at the abuse of that sacred engine of liberty, as the levelling the good and bad, and making every man dead to shame, and insensible of good character, which was the foundation of every thing great and glorious among men. If persons were to argue, that from the circumstance of there being so much licence, there was liberty enough, in his apprehension they would argue very unwisely, and very inconclusively. It was no difficult matter in this country for any man to libel another; but no man could libel the actions of another with impunity, and public characters had as much a right to be defended as those who never mixed with public affairs. Any man, if he pleased, could indeed personally libel with impunity any public or private character; they could libel him, or much more respectable members of parliament; they might even go farther, and libel ministers and the great officers of state. But he contended, on the other hand, that there was much doubt whether any man could really freely discuss the actions of government, in the way in which he apprehended it was the right of every man to discuss them, without a greater risk to his person and property than prudent men would choose to hazard.

Mr. Fox declared, that he felt considerable difficulty, not only from the importance and magnitude of the object he had to state, but also considerable difficulty in the manner of the arrangement of the matter, with which he should trouble the House. Perhaps, the most easy way would be for him to state his ideas in the order in which they had arisen in his own mind, beginning with particulars, and going on to generals, instead of beginning with generals, and exemplifying them by particular instances, which was the more usual method. In the course of the last year, when the Spanish armament was raised, gentlemen would recollect that there had taken place a considerable degree of discussion among the public, with regard, first of all, to the propriety of that armament; and secondly, with regard to the conduct of that and the other House, who granted the supplies. That such a business should be the subject of discussion in any country, particularly in a free country, could be matter of surprise to no man; that it was a subject of fair discussion he thought could not be controverted. On that occasion there had appeared some strictures in a newspaper on the conduct of the king's ministers; and that paper, to the astonishment of most people, had been prosecuted. If gentlemen would take the trouble to read a variety of things that had been written at that time, not with regard to the character of public men, but with regard to the conduct of public ministers, he should rather suspect the newspaper alluded to would not be found among the most eminently culpable, but on the contrary, among the most innocent that had appeared. However, the paper was published, and it was prosecuted. The printer pleaded guilty, or allowed judgment to go by default, and judgment was given against him; a judgment which appeared to those who compared it with the paper, and he confessed, appeared so to himself, to be most inordinately severe. He could hardly have thought, he said, that a person stating in a newspaper his general disapprobation of the measures adopted by the king's ministers; stating, that he conceived the ostensible purpose could hardly be the real purpose; stating the object of Nootka Sound to be too minute to justify so great a hazard as the country was then about to incur, and that therefore it might be connected with our Prussian alliance, was guilty of a libel. He should have thought that such a paper not only did not deserve a severe punishment, but was no libel at all. His first wonder was, that the printer should have been so ill advised, as not to defend himself. In the next place, he was astonished that no motion was made in arrest of judgment, on the ground that the paper was no libel at all. He thought the sentence most severe, and that opinion had not, Mr. Fox said, been peculiar to his own mind; he believed he could speak the sentiments of a whole profession, and that as far as it could be collected, the general opinion of the bar was, that it was a sen-

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tence beyond what they could have conceived was likely to have been given. He said, he had read the libel with great care, as it had appeared in the Morning Herald, and it appeared to be a libel on the king's ministers, and nothing more.

Mr. Fox alluded in this instance to the proceedings of the king against Luxford, late printer of the Morning Herald, and read from the information in his hand the following extract, which was stated as the essential part of the libel: "We cannot dismiss this serious and alarming subject, without observing, that this manœuvre of our ministry will make a deep impression upon the French cabinet, national assembly, and people in general. They will not easily be led to believe, that Nootka Sound, on the farther side of North America, can be such an important object to a people who have just the other day so tamely surrendered up the whole eastern side of North America, as to induce them to hazard all upon such a new-discovered, undefined, and almost unknown land, lying, as we may say, at the back of the world. They will sooner think that this armament is destined against Brest and Toulon, than against Cadiz and Barcelona, upon such grounds as are held out to public view; and notwithstanding their present seeming disjointed state, they will find ways and means to coalesce among themselves, so as to put the state machine in order, so as to lend some efficacious aid to their never-failing allies, the Spaniards."

To say in that point, that the king's ministers had acted without policy, prudence, or spirit, was undoubtedly a libel; and if those words were to be applied to the Russian business, it would be equally a libel, because the person who wrote them could not in point of law have justified, and consequently must necessarily have been convicted. But, did any member of that House think that such a libel deserved so severe a punishment? He was perfectly persuaded that no man would say he did. The paper also stated, that the king's ministers, by various declarations, some of them in that House, and some of them out of it, had deluded the people and the country with respect to such armament. That was also a libel: and here again the printer could not have been permitted to justify the truth of these assertions, and therefore he must have been convicted. In the degree of punishment to be inflicted, they ought, Mr. Fox said, to take into consideration the present state of manners and of things; and if this had been done in the present case, John Luxford might have been sentenced to some short imprisonment, or to pay some small fine; but that he should have been sentenced to be imprisoned for twelve months and to stand in the pillory, was a severe and inordinate judgment, compared with the degree of his guilt.

Having admitted that it was a libel against the king's ministers, he had admitted all that he thought necessary to be admitted on the present occasion. Without paying any compliment to the gentlemen opposite to him, in the present state of things, the mere saying they had acted without policy, without prudence, and without spirit, would not, he was persuaded, have induced them to punish a man for a libel, or at least not to have pursued it to so great a length of punishment. He did not think, that they themselves would have thought, that it would have been consistent with the dignity of their characters, to have prosecuted the printer at all; he should have guessed this *à priori*, and he thought he might state it from the thing itself. There were, Mr. Fox observed, in the information against Luxford, other counts and other innuendoes, besides that for a libel against the king's ministers. Here he read a copy of the information, the indictment, the opinion of the judge, and finally the sentence. He always spoke with great diffidence when he spoke on legal subjects, he said, and he meant to do so then, but he had read the information with all the attention he was capable of giving to any subject, and he must declare that it was drawn in a way perfectly unintelligible to him. It might possibly appear otherwise to professional gentleman. He conceived the proper way was to state the malice, the seditious intent, or any other circumstances of that kind, first; and he believed he was fortified by the greatest authorities, in conceiving that innuendoes were only to be used as matter of explanation, and not as matter of addition. The force of innuendo, he conceived, to be equal to the words *id est*, *scilicet*, or to the English word "importing," which, in his mind, expressed it best of all. He said, it was very difficult to speak with clearness and perspicuity on the subject, the word "meaning" having a double sense. When he said a word meant so or so, there were two ways in which it might be taken; its

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first sense was when it was merely explanatory of what went before, and was a true innuendo, as the K. meaning the King of Great Britain, &c. Cadiz, and Barcelona, meaning Cadiz and Barcelona in Spain, &c. There was also another sense of the word "meaning," which signified purposing, as when he said he meant to do such a thing to-morrow. This word he must contend in all informations ought to be used in the sense of importing and not of purposing. The third count in that information, which was the material part of the charge, was, that which stated it to be a libel, not on the king's ministers, but a libel tending to produce dangerous consequences to the country; that it would tend to alarm the king of France, and to stir up hostilities between this country and France.

Mr. Fox said, he must here speak, collaterally, a little of the mode in which libels were judged. He maintained that the filling up of the innuendoes was the province of the jury, and after they were filled up, the tendency and consequences were inferences of law; and he took this to be the real state of the law; though it was by no means agreeable to his opinion of what it ought to be. If this had been an inference, and not an innuendo, he conceived it would have been competent to arrest the judgment, because a meaning had been put on the words which they would not bear. It was said, the intention was to have excited the king of France so and so. This, he contended, was an inference not to be drawn from the text, either in reason or in law; and if there had been nothing in this libel but that, he had not the least doubt but the judgment would have been arrested: it did not, therefore, come into that shape as a legal inference. It was, Mr. Fox observed, matter of material mischief, and of material injustice, to make that a tendency and an inference of fact to convert it by a double and unequivocal sense into an innuendo. He said he should just state to the House the particular tendency to which he alluded, and then he would ask every gentleman in the House whether it was not an inference, and not an innuendo? Mr. Fox showed in the clearest and most convincing manner, by reading particular parts of the information, that he was justified in his arguments. From this he inferred, that they could not use as an innuendo the word meaning, when it could be construed by the word purposing, but only where it could be explained by the word importing. The way in which the information had been drawn, left the person who was the object of it in perfect doubt how he was to defend himself against it. He might be answered, Mr. Fox said, that this was not an innuendo: it was a legal inference, of which the court would judge; and the court might afterwards tell him this was not a legal inference. but that the jury had found it, and therefore it must be taken as fact in the record. In what situation, then, was the unhappy Luxford left? Was he to move an arrest of judgment? No. He should have advised against any such measure. It would have been but of little consequence to him to have been acquitted on the third count, when he must be found guilty of a libel on the king's ministers. Mr. Fox said, he was perfectly sure this mode of proceeding was in the highest degree improper and unfair. The inference ought to have been stated in the outset of the business: they had a right to argue on the record; and he would venture to say, if that had been allowed, and if the whole had turned upon that, and nothing else but that count in the information, if it had been asserted that this was an inuendo, and common sense rejected it as such, if it had been put into able hands, judgment must have been arrested.

Having much considered this case, a variety of things, Mr. Fox said, occurred to him, as fit to be done; and objections at the same time occurred to almost every one of them. He considered how far he should complain, and when he came with any thing like a complaint to the House, he begged leave to say how far he meant any thing against the court of King's-bench. He did not suppose that they had acted from any motives of direct corruption, or from party purposes. If he had supposed any thing of that sort in their minds, he should have looked whether he had any means of proving it, and if he had, he should not then have shrunk from the inquiry; but he was perfectly convinced of the contrary. He conceived, if there had been any thing wrong that they had done yet, it was from error, and from the difficulty of their situation, as the law now stood on the subject of libels. He therefore was not going to move any thing which could be construed to be at all like a censure on the conduct of the judges. But, was the measure, therefore, he would ask to sleep?

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Ought it to be so? Was he to stand by and consent, he would not say, that an innocent man, but what was nearly the same thing, that a guilty man was to suffer much more than he deserved to suffer? There was therefore, one view, at least, in which he should have brought forward the business, and that was to move to present an humble address to the king to pardon Luxford; but he had been told, how truly he knew not, that the most severe parts of the sentence were already done away, and therefore, perhaps an address would be useless. However, if he went into the committee, he should certainly move, that an address be presented to his majesty, to intreat his majesty to pardon John Luxford.

With regard to opinions entertained in that House, he knew, he said, that there were those who maintained, that in order to preserve a proper respect to courts of justice in this country, no man should interfere in any thing done therein, lest it should be interpreted into an indirect censure; but that if the judges had committed any fault, an address should be moved to his majesty, to deprive them of their situations. That opinion, he said, he conceived to be wholly unfounded, and declared he would never consent to such an address against any judge, unless it was for notorious incapacity, or the exercising his authority *malo animo*. If that were so, how, Mr. Fox asked, could it be maintained that they should allow innocent men to suffer, and permit the guilty alone very frequently to escape; and those who have committed trifling faults to be severely punished? It would, perhaps, be said, that they ought not to interfere till they could produce some proof of personal iniquity; but whenever he conceived that courts of justice acted in any way so as to pervert the principles on which they were founded, and to produce mischievous effects, he thought it was his duty (he declared he said it without meaning any disrespect to the judges) to take their conduct into consideration, and to oblige them to apportion their discretion in the punishment of crimes, as nearly as possible to the offence, in such manner as to make them be approved of by the just, as being reasonable, and such as the common sense of mankind would commend.

Mr. Fox said, that when he had considered the subject of this particular libel, he was led to consider the subject of libels in general; thus, in the way of innuendo and inference, he was led to consider who were to be judges. If the jury were to be the judges of innuendoes, it was contended that they ought not at least to be judges of inferences, but that those should be referred to the court. He confessed he saw no rational ground for such a distinction; for, in his opinion, if any plain man met on the jury, and was capable of filling up the innuendoes, he was at least capable of drawing an inference of fact, of one fact from another. If a person maintained that such a libel excited the French against Great Britain, that was an inference of one fact from another fact, upon which a man could gather light from his own mind, but with respect to which, he could gather no light from all the law books in the world. To him, Mr. Fox said, it appeared to be a strange idea, that a jury, although it could fill up an innuendo, could not draw an inference of fact. This led him to consider whether, where law and fact were mixed together, a jury could not judge of the law as well as the fact; and on this complicated business he should state his ideas to the House. He had looked into several books on the subject, and as the point had been handled in very modern times, he had begun with the most modern writers. He had looked as deeply into the subject as it was possible for him to do. He would not say all that he thought, in the presence of his hon. and learned friend (Mr. Erskine) on the subject of his hon. and learned friend's speech in the case of the Dean of St. Asaph; a speech so eloquent, so luminous, and so convincing, that it wanted but in opposition to it, not a man, but a giant; not a pigmy, or a dwarf, but something like an adversary capable of coping with it.* He had, Mr. Fox said, endeavoured to find out if there was any argument on the other side of the question. He was perfectly aware, that in matters of law, as indeed in all other matters, great authorities were arguments; but authorities, great as they might be, must, he said, some time or other, clash with reason; and if the authorities were clear one way, and reason another, it would produce the greatest of all mischiefs, for reason must triumph, and the

* "Of this Speech of lord Erskine I have been informed that Mr. Fox repeatedly declared that he thought it the finest argument in the English language." Howell's State Trials, Vol. XXI, p. 971.

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effect would be, that it would destroy in future all reverence for authority, and would therefore do away that species of argument.

On this subject, Mr. Fox observed, there were not small shades of difference of opinion only among eminent lawyers, but they differed, according to the common expression, *toto cælo*; the opinions of some being diametrically opposite to those of others. It was the opinion of the court of King's-bench, that the jury were to find the publication, and innuendoes, and that the question of intention was afterwards completely left to the Court; the Court were to consider it in the nature of a special verdict. He found opinions maintained directly the reverse. He was, Mr. Fox said, of opinion that many of the things stated were matters of fact; but whether they were matters of fact or law, where the general issue was joined, the jury must consider such general issue, and give a verdict compounded of fact and law. These opinions, Mr. Fox observed, were not of modern date; the first man, he apprehended, who stated that opinion, was a person of the name of John Lilburne, who immediately after the beheading of Charles 1st, and during the existence of the commonwealth, was indicted for a treasonable paper. He expressed himself, Mr. Fox said, truly and properly in principle, though his words were coarse and his phrases homely. With regard to his acquittal or condemnation, John Lilburne declared the jury were all and every thing; that the judges were mere cyphers, and their duty was solely to register the verdicts of the jury. The reply to John Lilburne's observation was a specimen, Mr. Fox remarked, of the temper of the times and the disposition of those days: in answer to this, Judge Jermin, who presided on that occasion, said, it was a damnable and blasphemous heresy to call the judges cyphers!* Lilburne, however, was acquitted in spite of the anger of the judge, and in spite of the influence of Cromwell. For a long period after that, Mr. Fox observed, the business had not been considered in the way he considered it, till of late years, and it seemed rather extraordinary that it had so happened.

Here Mr. Fox went through the law and practice respecting libels in the reigns of Charles 2d, James 2d, and part of that of king William. He would, he said, state a circumstance that was rather to be looked upon as a conjecture than as a certainty; from the reformation till some years after the revolution, the jury had only to consider whether such a thing was published with or without a licence; if it was published without a licence, it would constitute a crime; and the court afterwards considered the malignity of the offence. He hoped it would not be regarded as cavilling on the subject, to declare *ex vi terminorum*, that it appeared a solecism to say that to a general issue joined a special verdict should be given; it was obvious that the jury must give a general verdict according to the general issue. It seemed strange to him, Mr. Fox said, to be told, when he was accused of seditiously writing a libel, that he ought to plead generally. The law said, you might plead the general issue of not guilty. The general issue of not guilty was pleaded, because in order to any one being guilty, it must be proved that a libel was written, and written by such a person. A great deal of stress was to be laid on the word guilty. He did not, Mr. Fox declared, comprehend on what principle the law of England, with all its liberality and justice, could pronounce any man guilty without previous inquiry into his guilt. If any book had been written, and the author had been indicted, he was pronounced guilty, before there was the least guilt proved. Guilt, he contended, must be proved before it could be inferred. Men were not to be convicted on the word guilty, and after the word guilty was pronounced by the law, as it at present stood, it was to be determined whether the writing was culpable or meritorious. By going on farther, an argument suggested itself to him, which he conceived to be perfectly conclusive on the subject, and the strength of which was universally acknowledged by almost every judge; by lord Raymond, Mr. Justice Lee, lord Mansfield, and Mr. Justice Buller, with many of whom he differed, namely, that it was in the power of the jury to find, not guilty. He was not, Mr. Fox said, ignorant that power and right were not convertible terms. But if a power was vested in any person, it was surely meant to be exercised. Mr. Fox mentioned Mr. Justice Ashhurst, who, in speaking of right and power, observed, with respect to power, that a highwayman

* See Howell's State Trials, Vol. IV, p. 1381.

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has the power to rob you, though the deed be a crime against divine and human laws. Mr. Fox conceived there was a power vested in the jury to judge of law and fact, as often as they were united; and if the jury were not to be understood to have a right to exercise that power, the constitution would never have intrusted them with it. That the constitution should have intrusted to the jury a power which was never to have been exercised, was, he declared, beyond his comprehension. He thought it proper to attend to the few arguments which he found on the other side of the question, and which all went on grounds that struck his mind as different from this. He could not view the law and fact in any other light, as separate, but as a confusion of ideas in those who granted the first principle, "ad questionem facti non respondent judices; ad questionem legis non respondent juratores."

Mr. Fox begged leave to inquire into this a little. When a man was accused of murder, a crime consisting of law and fact, the jury every day found a verdict of guilty; the jury felt themselves, in that case, bound to judge both the law and the fact. How, Mr. Fox asked, did they do this? By the advice of the judges. Here again, he said without cavilling about words, it was fair to infer, that the judge who advised the jury, advised them only in cases where they had jurisdiction. If the jurisdiction had been in the court, and not at all in the jury, the judge would have prevented the latter from acting altogether, and would have taken the jurisdiction to himself, but they knew it was the province of the jury to judge of law and fact; and this was the case not of murder only, but of felony, high treason, and of every other criminal, indictment. Libels were the only exception, the single anomaly; and if it was so, it was a great one indeed! When he turned his thoughts towards the decisions of lord Mansfield, and it was with all the respect and reverence due to his character, his doctrine on libels amounted to this: to consider a verdict on the case of a libel in the nature of a special verdict. In that case, therefore, the jury, Mr. Fox said, were compelled to give a special verdict, which ought to be always matter of choice; but on this they were not left to their choice. There was a very material difference between a special verdict, in the case of a libel, and other special verdicts. In the latter case, the court must, he observed, give its opinion with regard to the law; but in a special verdict for a libel, no such thing took place, and there was no necessity for the court to give any opinion, unless a motion was made in arrest of judgment. On a special verdict, in the case of a libel, judgment followed, unless a motion was made to arrest the judgment: whereas they could not do so in cases of murder, or of felony; in fact, they could not do so in any other case whatever. Without any declaration from the court or jury, judgment, it had been held, should follow; and in cases of libel, if what lord Mansfield said were true, it did follow. The jury found the publication and innuendoes, and yet what, said Mr. Fox, had been proved against the defendant? Nothing. All that appeared was, that a man had written a book which might be, perhaps innocent, perhaps meritorious: the court had passed no judgment upon it; the jury had given no verdict in it: but though no guilt had been proved, yet as a motion had not been made in arrest of judgment, he must be punished as a libeller.

Was it, Mr. Fox asked, agreeable to the law of England, that the *onus* should lie on the person accused, to prove his innocence, and not on those who accused him to prove his guilt? The arguments on this subject were chiefly drawn from authorities, and if the House thought it worth their while to go into a committee, they would find those authorities extremely inconclusive. Mr. Fox contended, that if the jury had no jurisdiction over libels, the counsel became libellers for speaking before a tribunal which had no jurisdiction; their eloquent speeches to heighten the enormity of the libel charged, on the one hand, and their exculpatory harangues in favour of the delinquent on the other, were not only needless but improper. If the court were sound in their law, they would not, he said, permit such pieces of eloquence to be delivered. In the case of the king against the dean of St. Asaph, the judge stated, that he suffered it in order to satisfy the minds of standers by. When a jury was in a court of justice, in order to inquire into the innocence or guilt of a man, and they did not inquire into the criminality at all, but only inquired into the fact of publication, the counsel got up to speak on one side of the question; and as that was an irregularity, the counsel on the

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other side must be indulged with an answer; and thus, one irregularity was committed after another, as was sometimes the case in that House. Could he believe that lord Mansfield, whose integrity as a judge no man would dispute, should fall into opinions so little fitting his high situation, and his dignified character! His lordship had, Mr. Fox observed, got into a situation which there was no defending, without departing from that meekness of heart so peculiar to his lordship. There was some shade of difference, certainly, in the argument between that noble carl and his colleagues. He had, Mr. Fox said, laid it down throughout, that it was unnecessary to prove malice: at the same time he agreed, that the defendant, if he brought any witnesses or evidence to rebut the presumption of guilt which lay against him, might produce such witnesses or evidence, and on that the jury would form their judgment. Mr. Fox wished this to be considered a little; he could not help saying that there appeared to be something of confusion in the noble earl's ideas on that subject. He did not want proof of the malice, for the publication would be sufficient ground to infer malice or not. In case of murder, a man might say, he did not want any proof of malice, because the fact spoke the malice; but then, let the reason be stated why proof of malice was not necessary; the fact was, that proof of malice was not wanted, because it was evident that it did exist. What, Mr. Fox asked, was the case of libels? No proof was deemed necessary, but the bare publication was taken to be sufficient proof. He should, he said, illustrate as well as he could, the policy and legality of bringing evidence to rebut a presumption drawn from this circumstance. A presumption was not a thing distinct from proof, but was a species of proof, of proof inconclusive, till the contrary was established. The noble lord might hear what he pleased to rebut this. If the jury could hear the evidence, they must judge of the evidence; they must include a judgment on the presumption; and they must do that by weighing the presumption and evidence, and by comparing the one with the other; and, therefore, the moment that it was admitted that they could bring evidence to rebut the original presumption, they must judge of that presumption; for they could only judge of the evidence by comparing it with the presumption. If, Mr. Fox said, he were of opinion that the jury could not judge of the innocence or guilt of a paper, he should tell them they had nothing to do with it.

There was another part of the doctrine of the noble lord (Mansfield), which appeared to him strange and unaccountable. It was admitted not only in cases where there were innuendoes, but where a libel was supposed to be without an innuendo, and where the words were all plain; it was admitted, that if a part of a writing was libellous, and another part not libellous, they had a right to bring the whole before the jury in evidence. Mr. Fox asked, on what principle the jury were to look at the whole, but that they might know whether the paper was libellous or not? If the jury had nothing to do with the guilt or innocence of the paper, but were only to give a verdict on the publication, it would be perfectly idle and ridiculous to lay the whole of the evidence before the jury, who, as lord Raymond emphatically expressed himself, "had nothing to do with it." * All the admissions made on that side of the question, appeared to show its weakness, and nothing remained to be considered but authority, and that authority he should consider as shortly as possible. Mr. Fox here considered the opinion of lord Holt, in the case of the king against Vere. Lord Holt, and two or three of the other judges, did expressly declare their opinion on the ground of the jury having found *frauditiore et malitiose*, they thought the verdict ought not to be arrested. In the case of the king against Tutchin, † the opinion of lord Holt was directly the reverse of what it was in the former cases, and he left the criminality generally to the jury. In 1731, in the time of lord Raymond, the present doctrine of libels was introduced. But although this doctrine had been universally held during sixty years, he hoped no man would contend that it ought to be law. Indeed, that principle of law was so absurd, so vicious, so untenable, and so impossible to hold consistently, that in the practice of this reign, and especially in the practice of

* See the trial of Richard Francklin in 1731, for a libel; Howell's State Trials, Vol. XVI p. 672.

† For the case of the King *v.* Tutchin, for a a libel, entituled, "The Observator," see Howell's State Trials, Vol. XIV. p. 1095.

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lord Mansfield himself, it was not adhered to. In the case of the king against Woodfall, the principle was slightly touched upon; but in the case of the king against Horne, there was a complete acknowledgment of the arguments of his learned friend (Mr. Erskine), whom he had the honour to follow in that place. He said, he had the notes on this business from others, and he entertained not a doubt but that they were correct, though he would not vouch for their authenticity. Mr. Fox then read a long extract of the summing up of lord Mansfield, at Guildhall, in the case of the king against Horne; lord Mansfield had at that time said, that it was a matter for the judgment of the jury, and that they were to decide on the criminality. These were nearly his words: "You will judge whether it convey a harmless, innocent proposition, for the good and welfare of this kingdom, the support of the legislative government, and the king's authority, according to law; or whether it is not denying the government and legislative authority of England, and justifying the Americans, &c.; and if it was intended to convey that meaning, there can be little doubt whether that is an arraignment of the government and of the troops employed by them or not. But that is a matter for your judgment. You will judge of the meaning of it; you will judge of the subject to which it is applied, and connect them together, and if it is a criminal arraignment of these troops, acting under the orders of the officers employed by the government of this country, you will find your verdict one way; but if you are of opinion that the contest is to reduce innocent subjects to slavery, and that they were all murdered, why then you may form a different conclusion with regard to the meaning and application of this paper." * This doctrine was completely denied in the case of the king and the dean of St. Asaph. If these accounts, said Mr. Fox, were correct, that great and respectable authority, lord Mansfield was not perfectly consistent with himself. In the case of the king against Horne, they were to consider the publication, and from the nature of it, and also from other circumstances, to infer the intent of the person accused. No gentleman could suppose that he meant to lower that great and respectable man; but he could not, Mr. Fox said, do justice to the subject without stating the inconsistencies he had enumerated. It was not with a view to diminish the respect that he entertained for that able magistrate, but it showed that with all his abilities he could not be consistent, and was obliged to waver. The inconsistency of great men proved,—and there was no man so great, either in history or romance, against whom inconsistency could not be proved, —that there were doctrines which could not be supported: and such inconsistency was generally much more the fault of the doctrines themselves than of those who adopted them.

Mr. Fox said, he had hitherto considered the subject as relating to libels, and to libels only. He next meant to state it with respect to another point of still more importance, namely, with regard to high treason. He believed it was on all hands admitted, that a writing might be an overt act of treason; but he was aware that it was not generally or universally allowed to be so. If a writing was considered as an overt act of treason, it was always so stated in the indictment, *in hæc verba*, which was necessary in the case of a libel. The substance of high treason was sufficient; but the words of a libel must, he observed, be set out verbatim in the indictment. He wished, Mr. Fox said, to know a fact which he had asked of many gentlemen, and in reply to which he had received a variety of answers. He wished to ask, if a jury, in the case of libels, could only judge of the publication, because it appeared on the record? On the very same principle on which this could be done, all the doctrines relative to libels applied to high treason. Suppose, said Mr. Fox, they had a right to try me for high treason; for writing, that which was considered by the court of King's-bench as an overt act, the court had a right to say to the jury, "Consider only whether the criminal published the paper: do not consider the nature of it; do not consider whether it was treasonable, whether the overt act it intended was to accomplish the king's death (for whether it was, or was not, that fact would depend on the words set out on the face of the record); and the accused person guilty of high treason, and (if no person make a motion in arrest of judgment), let him be hanged and quartered." Would Englishmen endure

* See Howell's State Trials, Vol. XX. p. 761.

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that this should be the case? Could men permit death to be inflicted, without a jury having had an opportunity of delivering their sentiments or verdict, whether the individual was or was not guilty? If this doctrine were true, Mr. Fox said, and applied to high treason, then the overt act was unnecessary; the person who wrote the paper would confess he published it: he would not have a word to say in his defence, and he must be found guilty, not of a misdemeanor, but of high treason. His liberty and life were not to depend on the verdict of twelve persons, but on four lawyers; he did not mean to speak with disrespect of the judges; but his verdict must depend on four men, who drew their deductions from books, and not from facts and the circumstances of the times. A man might thus be in a situation to lose his life, without the judgment of his peers. This point was stronger in the case of high treason than in that of libel, but it was only stronger, inasmuch as, to a man, death was of more importance than temporary confinement.

He wished, Mr. Fox said, to know whether that doctrine of libels did or did not extend to high treason? The House, he said, would observe that he had confined himself chiefly to the case of seditious libels, and altogether to the case of criminal prosecutions for libels. With respect to all libels which were prosecuted by civil suits, and them only, there was a difference between them and criminal prosecutions. In criminal prosecutions, the thing to be considered was the guilt of the criminal; in civil prosecutions, besides the guilt of the offender, there was the redress to which the plaintiff was entitled by way of damages. A criminal prosecution, therefore, and a mere civil action for damages, stood on separate and distinct grounds. There were, Mr. Fox observed, one or two cases which had been commonly stated, and which he wished to state, in order to show, that although the person injured might have redress, yet it was to be obtained on the proof of malice. In illustration of his argument, he stated the supposed case of a gentleman wishing to know the character of a servant, who had been formerly in his (Mr. Fox's) service. Perhaps, said Mr. Fox, I state his character to be that of a person addicted to drinking, neglectful of his duty, and not, in my opinion, perfectly honest. No action, he observed, could be maintained against the master by the servant, even though his master had called him a thief, if it had been true, unless the servant could prove that his master had done it from motives of malice. Mr. Fox cited another case from the star chamber, a case which fell under the same rule precisely with the last, namely, that of a man's writing to inform a father that his son was addicted to vicious courses, and admonishing him to endeavour to reclaim him. In that case, Mr. Fox said, the letter had not been held to be defamatory, but reformatory. There were several other cases, he observed, that had a great resemblance to libels; as, for instance, the case of threatening letters. He stated one which had been tried before Mr. Baron Hotham, for whom he entertained a very high respect. He thought that learned judge had acted with perfect propriety in leaving the guilt or innocence of the paper to the consideration of the jury.

Mr. Fox said, that although he had been able to show to the House, that the law of libels was contrary to the original principles of law, and dangerous to the constitution, yet when he would suggest a remedy for those evils, he found himself incapable of doing it, without the assistance of the House. If the committee were clear as to the law on the subject, he thought their wisest and most proper measure would be to enact a declaratory law respecting it. If the committee were of opinion that the high authorities on the other side of the question, made the law doubtful, they might settle the law upon the subject, in future, without any regard to what it had been in times past.

Before he dismissed the subject of libels, Mr. Fox said, he would refresh their memories with what he had said on special verdicts; and what he had said on that subject he declared he did not say without mature consideration. The court asserted, that all verdicts on libels were of the nature of special verdicts; and yet he was informed, on good authority, that if another kind of special verdict, viz. the verdict properly so denominated, were given, it would not answer the purpose. If a report of special verdict was made, without the word 'guilty,' no judgment could follow; they were, therefore, only deceiving the jury. All this, Mr. Fox said, had been very fully stated in the

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case of the king and the Dean of St. Asaph, and afforded a very strong argument for the side which he had espoused. He contended, therefore, that in all cases of libel, the jury should be permitted to give a general verdict, and to judge of the intention, as well as of the publication.

Mr. Fox having finished the subject of libels, wished to call the attention of the House to another subject of very great importance; but this, he said, he should do in as concise a manner as possible. By a statute of queen Anne, for regulating proceedings by *quo warranto*, every corporator might inform himself of the corporate situation of any burgess of the same borough. Any private man might make his application, and, according to a late opinion, the court had a discretionary power of granting or refusing it, as they thought fit. Another opinion on the subject was, that the court had no such discretion; the former opinion, however, was the best. The attorney-general might also, of his own authority, move for informations, in the nature of *quo warranto*, as well as others. The court of King's-bench had endeavoured to lay down a rule to guide their discretion: Lord Mansfield had laid down twenty years as the space of time after which, in no cases, applications should be made to disturb men in their franchises; and even within that time the court very frequently refused such applications; but about two terms ago, the court of King's-bench had greatly shortened the period within which people might apply for such informations. They had determined, if a man had enjoyed his franchises without interruption for the space of six years, he should never be called upon after that period. Mr. Fox wished to say a very few words on the wisdom of this regulation. He thought the rule ought only to have been prospective and not retrospective. The court should have given notice of their intended rule some time before it began to operate, because people knowing that the law allowed them twenty years, usually thought they had abundance of time, and therefore laid by. This was not only unfair, but it was unjust.

There was another very serious view in which, he said, the subject might be taken into consideration. That House, as vigilant guardians of the constitution, ought to watch against all possible inroads. The attorney-general, as already stated, could of authority move for informations. Private subjects were confined within six years; the king's attorney general, however, was subjected to no such inconvenience, being wholly unlimited in point of time. It always happened, that the king's ministers were more or less concerned in elections; and, consequently the attorney-general might move for a great many informations against those who were not friendly to him or his associates. As the law before stood, this was attended with no inconvenience, because if A. moved against B.'s electors, B. might move in his turn against the electors of A. But by the last rule of the court of King's-bench, private men were greatly cramped and confined; whereas the attorney-general, on the part of the king, might move at any time, and hence the maxim *nullum tempus occurrit regi*. Corporators, after six years, were safe against every man but the king, so long as they exercised their franchises in a way not hurtful to the interest of the king; but if they were to exercise their privileges contrary to the interests of the crown, the king's attorney-general might come and take their franchises from them. This, Mr. Fox said, was an immense additional weight to the prerogative of the crown, and might prove extremely dangerous to the liberty of the people. The remedy he meant to propose, appeared to him to be perfectly unexceptionable. He thought there ought to be a statute, regulating the conduct of the King's-bench, with regard to the granting of such informations, and giving double costs in cases of frivolous applications. He considered it as highly inconvenient, that the rule of limitation of the King's-bench did not exceed the length of a parliament, and he wished it, for obvious reasons, to extend to eight or nine years. He farther thought, that the power of the attorney-general, in this respect, should be taken away, or at least ascertained; and that the crown and the subject should stand precisely upon a level. Mr. Fox said he had stated all the matter that occurred to him as the ground for going into a committee. If any gentleman had any additional grounds, he could wish him to state them.

Mr. Fox proceeded to observe, that there was, on the subject of libels, one great and popular topic, which he had passed over, without having said any thing upon it. He declared he had not forgotten it, but had purposely omitted it.

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It was a question that had been much canvassed in the world, namely, the doctrine that truth was not only not a justification, but that a libel was the more a libel because it was true. With respect to this question, he should not meddle with it, because he conceived it to be a most difficult question. To say that truth was not sometimes a justification, would be very extraordinary indeed; and yet there certainly were cases in which truth would not be a justification but an aggravation. Suppose, for instance, a man had any personal defect or misfortune, any thing disagreeable about his body, or was unfortunate in any of his relations, and that any person went about exposing him on those accounts, for the purpose of malice, and that all these evils were day after day brought forward, to make a man's life unhappy to himself, and tending to hold him out as the object of undeserved contempt and ridicule to the world, which was too apt to consider individuals as contemptible for their misfortunes, rather than odious for their crimes and vices; would any man tell him, that in cases of that sort, the truth was not rather an aggravation? On the other hand, in questions relating to public men; truth, with respect to public measures, ought to be held to be a complete justification of a libel, if it could be called a libel, in that situation. Mr. Fox said farther, that if any man had stated any thing that was of great importance, upon its being taken amiss by another, the truth of it, if it could be proved, was not only a mitigation, but in his mind, a complete justification. He would ask, therefore, how long were they to be negligent about the rights of juries? It behoved the House to be anxious to establish those rights, and by that means to secure the liberty of the press. He conceived, that the best way would be, to permit every defendant to prove the truth of a libel, if he thought proper; and then to consider what effect that ought to have, whether it amounted to a justification or otherwise, and to let it affect the judgment either way in proportion. He did not, however, mean to bring this forward, unless it met with the general concurrence of the House. God knew what he had ventured to bring forward was much beyond his strength: and he should not have brought it forward, if he had not thought it a duty which he owed to the public, and the more particularly at this time, when it was the fashion to go into discussions on the theory of the constitution for various purposes.

Mr. Fox said, they ought to consider the main spring upon which the constitution turned. They all knew there were two or three great springs upon which it turned, and it was the indispensable duty of that House, as far as it could, to keep those springs in perfect strength and vigour. He thought he saw, amidst all the minuter parts, the two most important of these main springs, namely, the representation of the people through the medium of that House, and the juridical power of the people through the medium of juries: and it appeared to him, that even although the other parts of the system fell into disorder, yet, if these main springs were preserved in full vigour, the rest might be repaired; but if these two springs gave way, all the rest must fall completely to destruction. Mr. Fox declared, that he had always considered the powers and privileges of that House to be that part of the constitution which they were obliged to watch over, and obliged to maintain. Another thing of infinite importance was the right of the trial by jury. This, he said, could not be complete, unless, in every criminal case, where the law and fact were mixed, the jury were the judges; and unless the intention was to be decided by the jury, and not by men who could only judge by means of books and many subtleties and distinctions, but could never find out the heart of man, and distinguish between his actions.

Mr. Fox begged that he might not be told by any gentleman, "You have done much right and much wrong, but on account of what is wrong you shall not obtain what is good." He said, he was willing to take one half, nay one fourth, or any thing that he could get, rather than lose the whole. He thought he had done his duty in bringing forward the business, and he hoped there would be a majority for going into the committee. Mr. Fox here took notice of a similar motion that had been brought forward in the House of Commons some years ago by that sound constitutional lawyer, Mr. serjeant Glynn, who had brought forward the subject in a more masterly and scientific manner, than he was able to do. He confessed he had been one of those who voted against that motion,* which was rejected on account of

* See Vol. XVI, p. 1211

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certain doubts that were entertained concerning it, and a fear that it might weaken the authority of the court of king's bench, &c.: but upon reflection, he now thought his reasons had been weak and ill founded. In the case of the king against Topham, Mr. Fox said, there was some colour for the chief justice agreeing with him. On the present occasion, he was glad to grasp at any thing; and the House must now speak out plainly, and say whether they meant to confirm the rights of juries, or to vote against the rights of juries, and to add the weight of parliament to the weight of the court of king's bench. Mr. Fox declared, before he sat down, that he had intended to bring forward this business in the course of the last parliament, but had been prevented by other business; and another consideration for his deferring it was, the expectation and hope of his having the able assistance of his hon. and learned friend (Mr. Erskine)—an expectation and hope in which he had not been disappointed. His hon. and learned friend would now have an opportunity to crown the work which had so nobly begun, and give his sanction to an act of parliament to insure to his country and to posterity, the real existence of those rights and privileges, the theory of which he had formerly defended so eloquently, so ably, and, in point of reason, so triumphantly though in point of event, unfortunately and unsuccessfully. Mr. Fox concluded with moving, "That the grand committee for Courts of Justice do sit on Tuesday next"

Mr. *Erskine*, in rising to second Mr. Fox's motion, declared that he could not sufficiently express the gratitude which, as one of the public, he felt to his right hon. friend for this last instance amongst so many others of his enlightened zeal for the support of the laws and constitution, upon their true principles, and of the warm interest he had constantly taken in the freedom and happiness of the people. Little or nothing was left for him to say; first, because the admirable speech they had just heard, embraced every thing which belonged to the subject: and secondly, because in the recent proceedings in the courts below, which had happily brought on that fulness of time, so necessary for the success of every thing, he had over and over again (the trials he believed were in the hands of every body), maintained and illustrated all the principles of the measure before them, so that in now attempting to speak again upon the same subject, it appeared to him like a tale that had been told. The subject, besides, lay in the narrowest compass. The law of libel as at present, and for a long time administered was repugnant to the sound principle and inconsistent with the ancient practice of English criminal justice. It destroyed the liberty of the press, whilst, as he was prepared from experience to prove, it dangerously promoted its licentiousness.—By annihilating the constitutional privilege of juries in a branch of their functions so general and so momentous, it brought the whole of their jurisdiction into dangerous question, and a remedy by parliament was indispensable, because the evil in its present state was otherwise incurable.

He could assure the House, that in nothing he had to say, had he any idea of conveying blame or censure upon the conduct of the present judges. So far from it, that as things now stood, from a succession of precedents, though in direct opposition to the most acknowledged principles and practice of ancient times, he should now find it difficult, if he were called upon, to fill a judicial situation to bear up against the current of decision, though they had obviously broken out of the original and prescribed channel of the law. Libels were divisible into two classes: viz. those which were the subjects of civil action, and proceeded against as such; and those which were prosecuted by indictment. The rule with regard to the first, was fixed and indisputed, and as ancient as the law itself. A good name was more valuable than property, and reputation had always been asserted upon principles which had never been prevented nor brought into question. — In these cases, as in all questions of property, the judges were the undoubted depositaries of the law. The juries were to try the fact of publication, and the meaning or just interpretation of the matter published; but when both were ascertained, the defendant if he had submitted his defence or justification to the court, was to be judged by the court, and without such plea could have no defence at all before the jury if the publication were proved at the trial. In these cases the judges had not only an unquestionable but a safe jurisdiction, because not only the law in such cases might be brought to a clear and positive standard, but political craft and oppression could neither have an interest in pervert-

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ing justice nor any possible means of doing it.

But indictments for libels, above all for those which were prosecuted as being censures upon public men and the acts of government, stood upon an entirely different foundation; and the root of the evil which now so loudly called for a remedy was, that political judges had in these instances, from time to time, confounded criminal proceedings with civil actions, and by abridging the jurisdiction of juries in cases of crimes (above all of that description) by referring to the rule in civil actions (where it was no abridgment at all). The judges had usurped the unquestionable and immemorial privilege of the jury to decide upon every indictment for any offence whatsoever on the general issue pleaded, whether the defendant was guilty or not guilty; the guilt in many or rather in most instances, depending upon intention, which, in the nature of things, it was perfectly absurd to consider as a question of law.—It was this departure from ancient authorities and practice which had brought into hazard, or rather had overthrown the most invaluable part of the British constitution.

He considered the jury as the commons house of the judicial system—the balance for the people against prerogatives which it was necessary to trust with the crown and its magistrates, but which would often when unbalanced degenerate into oppression. The monarchy of Great Britain would not deserve the name of a free government, nor have been suffered since the Revolution to exist for a moment, without parliamentary and judicial balances, which whilst they left and even secured to the crown all the vigour of the most absolute governments, far better secured the freedom and happiness of the people, than the most unbridled democracies in any age had ever been able to accomplish; and he ventured boldly to assert, that the privileges of this House were not more essential to resist the power of the crown than the privileges of grand and petty juries in our judicial system; since, were it not for their daily and hourly protection, the dominion of fixed magistracies would, ages ago, have crumbled into dust the liberties of the people.

Mr. Erskine said, that as this was a proposition which no man in England would be hardy enough to dispute, what would the House say when it was a matter absolutely demonstrable, that the trial by jury in every case which now affected the most essential liberties of the press, had no longer any useful existence; because the judges now applied the law of civil actions to criminal trials, though nothing could be more distinct or different. In the former, the law had been immemorially pleaded to the judges, and could not come before the jury; in the latter, it was always from the most ancient times left to the jury by the general plea of not guilty. In the first, the accusation proceeded from the court; in the second, it originated with the grand jury. In the first, the acquitting verdict of the jury might be set aside, if contrary to the opinion of the judges; in the second, it was final; and whilst attaints existed, the jury could never be attainted. To suffer, therefore, such diametrically opposite jurisdictions to be confounded, and such invaluable privileges to be trampled upon, would be to throw away the armour of the constitution provided by the wisdom of our fathers against powers dangerous to withdraw from the crown, but more dangerous to exist without the counterpoise of the trial by the country.

He said, that as the law stood at present, if a writing were charged even as an overt act of high treason, the court might convict the prisoner upon the mere proof of publication, withdrawing from the consideration of the jury the traitorous intention which, in the language of the statute, was the very essence of the crime; because, according to the course now uniformly taken, the judge tells the jury, in all prosecutions for criminal writings, that they have only to find the publication, and the innuendoes or alleged grammatical interpretation of the paper, and upon that to find the defendant guilty, adding, that if the court should afterwards consider the writing so interpreted not to be criminal, the judgment would be arrested or reversed upon writ of error. But to expose such doctrine to shame and reprobation, it was only necessary to inform, or rather to remind the House, that if upon such motion that judgment should be arrested, the innocence of the defendant's intention was argued before the court, the answer would be and was given uniformly, that the verdict of guilty had concluded the criminality of the intention, though the consideration of that question had been by the judge's authority wholly withdrawn from the jury at

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the trial. It certainly was now too late to rectify this monstrous and iniquitous absurdity, except by the authority of parliament; though the judges who first introduced such doctrines ought to have been impeached and degraded. Indeed, the mischievous origin of the system was notorious. Upon the revival of letters, government soon felt the influence of printing upon public opinion, when it was directed against their abuses; and with us the Star Chamber was set on foot to repress it; but the firmness of our ancestors, and the vigour and freedom of our institutions soon overthrowing that odious jurisdiction, nothing was then left but to pervert the ancient constitution of juries, and notwithstanding the triumphant result of the trial of the Seven Bishops, when their privileges were fully recognised and acted upon, a constant assault was kept up by subsequent judges against their jurisdiction, and carried to such an extravagant pitch, that on the trial of Penn and Mead for seditious preaching in Gracechurch-street, an attempt was made to imprison a juryman for refusing to receive from the court what was falsely and wickedly called the law, though a plain fact for the jury's consideration, an outrage which was exposed and beat down for ever by the immortal exposition of the lord chief justice Vaughan, who, upon a Habeas Corpus, discharged the intrepid prisoner, a second Hampden, for the example and admiration of posterity.

But, notwithstanding all these cases, lord chief justice Raymond, on the trial of the Craftsman, thought fit to tell a jury, that the doctrine of its being the judge's duty to leave the whole case to the jury, was a notion which had then been taken up of late by some persons who ought to have known better, and this most rash and unfounded declaration had been echoed from judge to judge down to the late trial of the Dean of St. Asaph, though to the honour of the bar be it spoken, the counsel (Mr. Bearcroft) in that case, with a brief in his hand, for the crown would not surrender the privileges of the people; but what was conceded to the defendant by the adverse advocate, was not granted to him by the court; the doctrine now complained of having been confirmed by the whole court of King's-bench, when presided in by lord Mansfield, whom he could never name without affection and respect; and so barren was the usurpation in legal authority, that a ballad found itself in the mouth of that great man which was sent to sir Philip Yorke, after the acquittal of the Craftsman, in which the author was supposed to have admitted the doctrine contended for by writing that,

Sir Philip's innuendos
Would serve him no longer in verse or in prose,
As twelve honest men had decided the cause,
Who were judges of fact, tho' not judges of laws.

Whereas on reference to this poetical record, it was found to be just the contrary; viz.

"That twelve honest men had decided the cause,
"Who were judges alike of the fact and the laws."

Mr. Erskine then said, that he could state from his own long experience what had been the effect of this system. Had juries been prevented from improper acquitals? Had the crown been secured by it in the preservation of order and obedience to the laws? Just the reverse. Every man, be his acts wicked or charitable, had been looked upon and pitied as the victim of a pernicious usurpation; and juries whilst they might secretly condemn the criminal, refused, in many instances, to pronounce verdicts of guilty, when the investigation of guilt had been withheld from them. So that a counsel's best defence of any kind of libel was, to expose the doctrine, and keep the libel out of sight. He could appeal to the whole bar for the truth of the observation.

He should mention but one case more of the oppression inseparable from the system complained of. An insinuation had appeared in a public paper, that the Russian ambassador was a spy, which was very properly made the subject of a prosecution, but the defendant, who was the proprietor of the paper, was set upon the pillory, though he produced an affidavit of a physician of the highest reputation that he had been delirious in a fever at the date of the publication, and even that fact was held to be no defence upon the trial. It was surely impossible to figure to the human imagination any thing more disgusting or horrible.

Mr. Erskine now said, that he wished for the sake of unanimity, that his right hon. friend would for the present put aside the other matter which he had introduced for consideration. He thought that nothing should be mixed with the

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grand and paramount question which might interrupt the harmony of the decision. There was no doubt of the inquisitorial power of the House over the judges, but it was a power which ought to be most sparingly and cautiously exercised. It ought to be kept in the recesses of their authority to be produced only in cases of the utmost emergency.—It was not desirable even to speak lightly or harshly in that House of the conduct of judges, as it tended to disturb that confidence in the administration of justice which was of such infinite importance to the public security and happiness.—There was no doubt that in different cases of *quo warrantos*, which Mr. Erskine here stated, lord Mansfield and the other judges had laid down the doctrine of a year's limitation, and in two years afterwards directly the reverse,—an evident proof how much they were embarrassed by the uncertainty of matters which from their very nature were not subjects of judicial discretion. The abridgment of such jurisdiction would be easier for the judges and safer for the people.—He concluded with thanking the House for its indulgence, and hoped that the motion for the committee would be unanimously adopted.

The *Attorney General* agreed with Mr. Erskine as to his general argument, but differed from him, and the right hon. mover, in regard to the mode of proceeding that had been proposed. He perfectly agreed that the judges in their conduct had done nothing but what every one who examined the stream of precedents flowing down for a long series of years, would find had been the uniform practice of their predecessors, and what consequently called for no sort of blame whatever. Neither the conduct of that venerable and most respectable earl who had presided in the court of King's-bench for so many years, nor that of his successor, lord Kenyon, who was not only eminently qualified by his great legal knowledge to sit at the head of his court, but by his daily decisions had proved himself to be a truly honest man, were reasonably to be questioned. He allowed, however, that there was something in the practice of the law of libels, that called for amendment and explanation; but as his hon. and learned friend had said (and judiciously and wisely said), great delicacy ought to be exercised in interfering with any subject of the nature with the present, lest the public should take the alarm, and be impressed with an opinion, that there had been something wrong in the conduct of our judges, or of our courts of judicature. With that view of the case it was, that he thought the moving for a committee of courts of justice altogether unnecessary. The province of that committee had been to receive and to inquire into complaints of improper conduct in the judges; the moving, therefore, for such a committee would create alarms in the mind of the public, who would naturally conclude that some part of the conduct of the judges was complained of; and that clearly and avowedly not being the case, the committee ought not to be moved for, and the more especially as the object could be attained without having any such committee revived. The committee had not, he said, sat above two or three times since the restoration.—Here the attorney-general went into a technical history of the mode of trial in cases of libel ever since they had been snatched out of the star chamber, and showed in what particulars the judge directed the jury, and where the law arose out of the facts that came out in evidence. Having fully explained this, he asserted that a bill might be brought in to provide a proper regulation at once, without the assistance of the committee of courts of justice. That committee had sat very rarely during this century. In the last case that it did sit, it had been on account of a very flagrant injustice, directly charged against a judge. With regard to the other points, the *quo warrantos*, he admitted that there was a necessity for some legislative interference with respect to them, because twenty years was certainly too extensive a period, and a period much shorter might be attended with very great inconvenience. He instanced the hardship of a man who was not a corporator, having begun business in a corporate town, and after having expended a capital, being obliged, on the information of any person who thought proper so to inform, to shut up shop and quit the place. If the corporation was the creature of the crown, it gave ministers an undue power over such corporations.—Having explained this, the attorney-general took notice of the particular case, from which, as the right hon. gentleman had declared, his ideas on the general subject had originated, viz. the case of Luxford; respecting which he would mention a few material circumstances, and when

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he did so, he begged the House to carry along with them the recollection, that much depended on the time and the events of the time, with their natural operation on men's minds and feelings, because on that rested, in a great measure, the whole consideration. About a twelvemonth ago, he said, he saw a publication in the Morning Herald, which he considered as that sort of publication which his duty called upon him to select for public prosecution. The attorney here read the paragraph to the House, and commented upon it; observing, that the natural effect of it would be to alarm the minds of the whole French nation, and inflame them against this country, by holding out to them an assurance, that the British ministry had imposed upon the two Houses of Parliament, and were arming, not as was pretended against Spain, but against France, they meaning to take advantage of her then defenceless situation, and to attack Brest and Toulon. He conceived, every man who heard him was aware, that about a twelvemonth ago the French had abundant reason to be in a state of peculiar apprehension, jealousy, and suspense; and he would ask if there was any gentleman present who had to learn, that at the time in question such was their jealousy and alarm, that on the bare suggestion, or rather report in France, of an Englishman having published a pamphlet in that kingdom against the proceedings then going on there, the lives of every Englishman in that country were endangered. It ought also to be recollected that in consequence of our intercourse with the French, great numbers of British subjects were at the time in France. Would it not, then, have been a dereliction of his duty, if he had neglected to have taken the means of immediately satisfying the French nation that we were not about to be guilty of a breach of treaty, and that no advantage was intended to be taken of their then defenceless situation? It had since appeared to him to have been the more necessary, as he had afterwards understood from persons who had resided in France, that the English newspapers were circulated in France, and the very libel in question had been translated into pamphlets, and had really created great alarms.—That he was personally no enemy to the liberty of the press, he trusted his conduct had evinced, but he could go further and assert, that it would be found from looking back, that the law officers of the crown for many years, had not, generally considered, been persecutors of the press. In the course of the last thirty-one years, there had not been more than seventy prosecutions for libels, out of which there had been about fifty convictions; about a dozen of these had received rather severe sentences, and in five cases the pillory had made a part of the punishment. He enumerated the five latter cases, declaring, that two of those who had been sentenced to the pillory, had been for vending obscene publications, which had been with great industry insinuated even into our seminaries of education of both sexes; and therefore he had thought it his duty to select the persons, as examples, that the officers of government, whose province it peculiarly was to watch over every attempt to corrupt the morals of the rising generation, had not been negligent of their duty; but here he must inform the House, that from circumstances of a nature extremely palliative having come to his knowledge after the trial, the parties were pardoned the pillory. Another offender was sentenced to the pillory, for libelling his majesty five years after his accession to the throne. There were also two for libels against the Russian ambassador; there was another for libelling part of the royal family; and this last of Luxford, which he supposed the court imagined to be of a nature similar to the libels against the Russian ambassador, and therefore pronounced the pillory as a part of the sentence. To his mind, the libel in the Herald appeared to be one of the most mischievous that ever was published. If the paragraph was as innocent as the right hon. gentleman conceived it to be, he certainly had most wonderfully erred respecting it; for he owned he never more forcibly felt any thing to be his duty, than to endeavour, as far as in him lay, to convince France that this country was not unfaithful in her treaties, nor so cowardly or so treacherous as to wish to take advantage of the defenceless situation of her neighbour. He thought it would be more advisable, for the reasons he had stated, not to move for the committee of courts of justice, but to adopt some other less exceptionable mode of proceeding, declaring, that to the main object he felt no sort of objection.

Mr. *Jekyll* said, he should feel himself but little entitled to a patient hearing from

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the House, if, after two such forcible and eloquent speeches (the most eloquent perhaps that ever had been heard within those walls) he was to do more than make a few observations, which he thought it incumbent on him to submit to their consideration. His hon. and learned friend who had just sat down had objected to going into a committee of courts of justice, and had said, that there had been seventy prosecutions for libels within the last thirty years; and out of the septuagint that he had mentioned, there had been fifty convictions. That was, Mr. Jekyll said, in his mind, the very reason why they ought to go into the committee; because if the practice of the courts in cases of libel had been as he conceived it ought to have been, and the whole of the law as well as the fact had been left, as it ought, to the jury, the convictions, he believed, would not have been above half the number. He complimented the attorney-general on his conduct, and said, he had "borne his faculties so meekly," that all men praised him; he therefore should be the last to object to going into the committee. But his hon. and learned friend had objected on the ground that the committee of the courts of justice had borne an odious name, and alarm might be taken that complaint had been made against the conduct of the judges. His hon. and learned friend forgot that it had been expressly stated by the principal leaders of the debate, that they imputed no blame whatever to the judges; and as every thing that passed in that House went forth to the public, it would be known that they went into the committee for no specific charge, but merely for the purpose of investigation on a subject material to the freedom of the people.

Mr. *Pitt* said, he was rather in hopes that the right hon. mover would agree to the suggestion of his learned friend, and by that means procure a general concurrence with him as to the main object of his argument; in respect to which he was extremely desirous of stating that he did not see any ground on which any gentleman could have occasion to differ in opinion with the right hon. gentleman. He was ready to declare, that he thought the taking some step, at least to regulate the practice of the courts on the trial of libels, and render it conformable to the free spirit of the constitution, was highly necessary. He did not wish any more than the right hon. gentleman to cast blame on the venerable person, who was entitled to universal reverence and respect, not more on account of his years, and his present unfortunate situation, than for his extraordinary abilities as a judge, and his eminent public services, for so large a number of years. That noble and learned earl had done no more than tread in the steps of his predecessors; and even the learned gentleman who seconded the motion, had confessed thst if he were himself on the bench, he should feel bound to decide in the same manner, unless the law were altered. He saw therefore, Mr. Pitt said, no reason for going into a committee of courts of justice, in order to effect the wishes of the right hon. gentleman. Although he should with great diffidence set up his opinion against the uniform practice and authority of the judges, yet he must confess that it went directly against that practice, and that he saw no reason why, in the trial of a libel, the whole consideration of the case might not go precisely to the unfettered judgment of twelve men, sworn to give their verdict honestly and conscientiously, as it did in matters of felony and other crimes of a high nature. That being his opinion, and there not appearing to be a probability of difference of sentiment as to the main point, he saw no occasion for any difficulty as to the mode of effecting the object. The right hon. gentleman had heard the objection urged by his right hon. and learned friend, against going into a committee of courts of justice, when all intention of personal complaint had on every side been expressly disavowed; an objection which, in his mind, had considerable weight; but there were other reasons that occurred to him, why it would be better not to go into the committee of courts of justice. In the first place, if any intention were entertained of going into an investigation of precedents and authorities, with a view to the forming of a declaratory law, it would be a work of more time, than the period of the session afforded them any hope of completing before parliament should be up. In the next place, he should not think it either necessary or advisable to pass a declaratory bill, stating not only what the law was, but also what it had been, because that would in some sort imply a censure on the judges, and indirectly accuse them of not having adhered to the law. The whole object, he thought, might be achieved by a short legislative

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bill, enacting what the law ought to be, and thence regulating the practice in future. If that idea were adopted, as simple and as short a bill, as could well be imagined, would answer the end, and the right hon. gentleman might either move in the House then, or on Monday, for leave to bring in such a bill; or if he thought that mode better, he might move certain resolutions, stating what the law ought to be, as the ground and basis of such future proceedings as it might be advisable to institute upon the subject; and those resolutions might remain on the Journals to be followed up next session, by one or more bills either declaratory or legislative, as the case might require. With regard to the *quo warranto* informations, it was not his intention to go into any discussion of that part of the subject then. Twenty years appeared to him to be an unreasonably extensive period, undoubtedly, and perhaps the limitation of six years which the judges had lately adopted, might be too short: and consequently it might be proper to take such a limitation as would extend beyond the time when the subject of *quo warranto* occurred. Be that as it would, the matter might easily be adjusted by a short separate bill, in the progress of which a fit limitation might be fixed; but at any rate, the case relative to *quo warrantos* had no immediate connexion with the other part of the subject, viz. the province of a jury on the trial of a libel.

Mr. *Fox* said, he could not most assuredly make the least hesitation in complying with the suggestion of the right hon. gentleman, who had in so fair and candid a manner stated what his own opinion was, and which seemed also to meet the general concurrence of the House. With regard to the ground that the attorney-general had taken, by way of defending the conviction of John Luxford, he must differ from him completely. So far from thinking the libel a dangerous publication, with a view to enflaming the minds of the people of France, there was no danger in it whatever, nor could any such inference as the learned gentleman had drawn from it, be put upon it, either in reason or in law; and if it could, why was not such an inference averred in the information? No such averment appeared on the face of the record; the only averment that did appear was, that it was a libel on his majesty's ministers, and nothing else. Inclined, then, as he should be, for the sake of practicability, to comply with the right hon. gentleman's suggestion of his giving up the motion for a committee for courts of justice, he could not compromise the case of John Luxford for the sake of the two bills, or for the sake of any practicability whatever, however desirable such practicability might be. In his former speech, he had said, he had heard what, from the silence of the other side of the House on that point, he now feared, was not true, namely, that John Luxford was pardoned that part of his sentence which related to the punishment of the pillory. As he was satisfied the sentence of Luxford was most inordinately severe, and more than he merited, when compared to the guilt of the libel, Mr. Fox declared, he must adopt some method of taking the sense of the House upon a motion for an address to his majesty for his pardon; and he saw not how he could do that without going into the committee for courts of justice, when, as far as his motion for an address to his majesty for a remission of Luxford's punishment went, it would undoubtedly be an indirect censure on the court that had passed so inadequate a sentence. It might possibly be said, that he ought to proceed in another way, and ground any motion that he thought proper, on the record; but let the House remember, that he had spoken from a paper which he held in his hand, and the learned gentleman from another paper which he had held in his hand; but Luxford's libel, and the record, were neither of them before the House; and till the House could get at the record, he could not proceed. If he could be told that Luxford either had been pardoned or would be pardoned the pillory, he would say no more, but for the sake of practicability would consent to withdraw his motion for a committee for courts of justice, and would barely move for leave to bring in the two bills that had been suggested.

Mr. *Pitt* said, that with regard to the punishment of the pillory having been remitted, he had not the least recollection of that having been the case, or of any application having been made for it. He had in more than in one instance, since he had been in his majesty's councils, dissuaded them against the too frequent use of the pillory, which, in his opinion, could not be too sparingly employed: and from what he saw of Luxford's case, he had no reason

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to imagine, if application were made, that there would be any great difficulty in getting that part of the sentence remitted.

Mr. *Fox* said, he was so perfectly satisfied with what he had heard from the right hon. gentleman, that he should for the present withdraw his motion for the committee for courts of justice, and wait to see if any thing was done in Luxford's case, and if there should not be any thing done, he would then move for a copy of the information, and of the record, and likewise for an address to his majesty for mercy in a case, which had received a sentence inordinately disproportionate to the degree of criminality in the libel.

The motion was then withdrawn. After which Mr. Fox moved "For leave to bring in a bill to remove doubts respecting the rights and functions of juries in criminal cases." The motion was agreed to *nem. con.* Mr. Fox next moved, "For leave to bring in a bill to explain and amend the act of the 9th of Anne, for rendering the proceedings upon writs of *mandamus*, and informations in the nature of a *quo warranto*, more speedy and effectual! and for the more easy trying and determining the rights of offices and franchises in corporations and boroughs —Agreed to.

May 25. Mr. Fox presented his bill "to remove doubts respecting the Rights and Functions of Juries in criminal cases;" and the same was read the first time. On the motion, that it be read a second time,

Mr. *Mitford* said, that the bill was undoubtedly of great magnitude, and was well entitled to the most serious attention of the House. A measure calculated to alter the established proceedings of the courts of law, ought not to be passed in a hurry, but ought to be discussed with great gravity and deliberation. No man could revere more than he did the institution of juries, which he considered as the bulwark of public and private liberty. At the same time, he thought that House would do well to pause a little before it resolved to unsettle doctrines of law which had almost uniformly prevailed ever since the revolution, or to take away that jurisdiction which appeared, from the practice of the courts ever since that period, to be long to the judge and not to the jury. No one would suppose that the judges of the present day could have any personal interest in withholding from juries any of their legal and constitutional functions; they could not possibly have any other wish than to preserve the uniformity and consistency of legal decisions. If judges were to consult only their own personal interest, they would rejoice at a measure which would throw upon juries the exercise of an ungracious office. A general verdict of a jury, in case of libels, would conceal the ignorance of a judge, if he should happen to be so little acquainted with his profession, as not to be able to lay down clearly the law on the particular question; and if he was corrupt, the general verdict would cover his corruption. This bill would no doubt consult the ease of the judges; but in so doing, would it be of use to the public? These observations he had thought it necessary to make, for the purpose of preventing the House from passing, as a matter of course a bill which, in his opinion, was of the utmost importance.

The *Solicitor General* began by professing a most religious regard for the institution of juries, which he considered as the greatest blessing which the British constitution had secured to the subject. He had his doubts, however, whether the bill then before the House would add to the utility of that invaluable institution. The manner in which the preamble was worded did not appear to him to be free from objection, because he believed what was therein stated as a fact, was not generally admitted. If he were to be governed by that which was the usual guide of courts, precedent, he must say, that doubts did not exist whether the right of juries to give a general verdict in criminal prosecutions, on a general issue joined, extended to libels, so as to leave the juries judges of the law, as well as the fact: the opinions of lord Mansfield, sir Dudley Ryder, lord Raymond, lord chief justice Lee, and other great judges, say the other way; and a learned friend of his (Mr. Erskine) had gone so far, a few days ago, as to admit, that if he were placed by his majesty in a judicial situation, he should feel himself bound by the decisions and opinions of the learned judges who had gone before him. Surely, then, it would be conceded to him, that a bill which was to unsettle the doctrines of the courts of law, after they had obtained for a whole century, and had been sanctioned by the greatest law authorities which this country could boast, ought not to be carried with precipitation through parliament and

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he hoped he should not be thought to ask too much, if he requested that before the next discussion of the bill, it might be printed.

Mr. *Erskine* declared, that sooner than consent to give up the preamble of the bill, he would abandon the bill for the present altogether, and leave it to the people of England to protect their rights themselves by their verdicts when on juries, until a more favourable moment might arise when parliament would be prepared to recognize, as a clear unquestionable principle of law, that their rights in cases of libel were the same as in all other criminal trials, in none of which their privilege to pronounce a general verdict had ever been disputed. He desired it might not be understood, that because he was a determined friend to the preamble, it was his object to confound the functions of the judge and of the jury.—Far from it—wherever the law had separated them, he wished them to continue separate—whenever any special matter was legally pleaded, the judge, not the jury, was undoubtedly to decide, but when the general issue was joined, the law and the fact were then inseparably blended, and the jury had a legal and constitutional right and duty to decide upon both by giving a general verdict.—This never had been questioned in any criminal case, that of libel only excepted; but neither in principle nor in ancient practice, was there any foundation for the exception.—Mr. Erskine observed, that something he had said on a former day was now referred to by his hon. and learned friend, to prove that the practice of the courts, for near a century past, had not been erroneous, because he had said that were he now placed in a judicial situation, he should feel himself bound to abide by the precedents of his predecessors. He did not mean to retract a syllable of that declaration; he had always been of opinion, that when a practice had long obtained, however erroneous in its beginning, it was better it should be corrected by the legislature than by the authority of any court; because if a series of precedents might, upon the opinion of new judges, be rescinded, there could be neither uniformity nor safety in judicial proceedings, and a fatal uncertainty would disturb the whole system of the law. A stand ought to have been made at first against so dangerous an innovation.—These were the grounds on which he had built, and on which he now abided by his declaration on a former day, and he could not help expressing his surprise that any objection should be now made to a bill which had been brought in with unanimous concurrence. It was a want of respect in gentlemen for the House itself, to rise up against its second reading, since by giving to his right hon. friend its unanimous consent to introduce it, an opinion in its support might be said to have been unanimously given, which what had been said this day could not be thought sufficient to shake.

Mr. *Fox* said, it was as new as it was irregular in gentlemen to oppose the preamble of a bill out of a committee; for every one knew that it was in the committee that the preamble, and the other component parts of a bill were separately considered and discussed; and he believed this was the first time that an opposition to a preamble was made in a House. He meant to have the bill read a second time on Friday, and committed on Tuesday in the next week. In the mean time it might be printed. With respect to the preamble, he did not agree with his learned friend that it was so essentially necessary to the bill, that if one was not carried the other ought to be given up; he would be glad to carry both through; but if he could so far satisfy the scruples of some gentlemen by giving up the preamble, as to prevail upon them to vote for the bill, he felt himself very much disposed to make that compromise: and the more so, as he was sure of attaining the main object which he had in view, by an enacting, as well as a declaratory clause; though he confessed at the same time, that if he had his choice he would prefer the latter.

The motion for the second reading on Friday was agreed to, and the bill was ordered to be printed.

May 31. The House being in a Committee on the Bill,

The *Solicitor General* objected to the preamble, as being too general. He said he had an amendment to propose, and he would take the liberty to state the alteration he wished to be made in the bill, in that stage of it. The right hon. mover, and the learned seconder had, in his apprehension, introduced this bill in a manner that was extremely wise and proper. The complaints that had been stated by the right hon. mover, and by his learned friend, were with regard to the inconveniences that resulted from the doctrine de-

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livered by judges to juries on trials in cases of libel. As it was their intention, so it was their duty, to remove that inconvenience; but the House ought to think with great deliberation on the subject, before they stated a general principle of the criminal laws of England. If he understood the right hon. mover, and the learned seconder it was, that juries had the same acknowledged power, with respect to the crime of making or publishing a libel, as they were understood to have with regard to any other species of fact, which the law of England had denominated a crime; and as the jury, by this bill, might give a general verdict, without taking the advice of the judges in matters of law, it was his wish to make an alteration in the preamble: "And whereas doubts have arisen whether on the trial of an indictment, or information, for the making or publishing any libel, it be competent to the jury to take into their consideration the whole matter of the charge contained in such indictment or information." Mr. Solicitor, after the word "jury," proposed to insert these words, "with the assistance and direction of the judge in matters of law." He thought this amendment would meet the ideas of the committee. He conceived that in the bill there was a proviso which left the defendant in this situation, that he might withdraw himself from the jurisdiction of the jury. The matter of the libel must be stated in the information, and the defendant might say, "I will not call on the jury to determine any thing, but I rather wish to apply to the court by demurrer, whether the matter charged against me, is, or is not, in law, a libel." If he chose go to the jury, and they pronounced him guilty, the jury would have done nothing, because the defendant had an opportunity to come again to the court, and to ask the court, though the jury had said he was guilty, whether in point of law he was guilty? and he had a right to go to the last resort, the House of Lords. Mr. Solicitor conceived this to be one reason why the preamble should not stand as it did. Although libels might be put on the level with all other criminal cases, yet it was impossible to put all other criminal cases on the same level with libels; and therefore, he conceived it would be better to leave out of the preamble any thing respecting other criminal cases. There were some other crimes where the whole matter might appear on the face of the indictment, and in those cases the defendant had an opportunity of taking the opinion of the court, whether the jury had decided rightly. But it must, he said, occur to every man near him, that there were a number of cases, in which, if the jury took upon themselves the jurisdiction to decide both on the law and the fact, and found a defendant guilty, this might be the case. Suppose, for instance, the case of murder, in which the evidence proved that the facts did not constitute the crime of murder, and that the defendant, in point of law, ought to be acquitted, a case, however, might happen, in which the jury might say, we will not acquit him, but find him guilty; there was then no other remedy but that of applying to his majesty, as the fountain of mercy. He had mentioned these things principally with a view to show why he wished to make an amendment in this bill. In order to demonstrate that great respect ought to be paid to the direction of the judge, in a point of law, Mr. Solicitor said, he would refer to some of the greatest ornaments of the law. He said he had his doubts whether, after the bill passed, it would be necessary to set forth the whole libel on the record.

Mr. *Fox* said, he was persuaded there was much more difficulty in wording a bill of this sort, than many gentlemen imagined: and therefore he was obliged to the learned gentleman, and to any other member, who could give him such assistance as might tend to render the bill as perfect as possible. He conceived the grievance in the present state to be such, as would undoubtedly have induced him to have waved all discussion of what was law, and to have left that completely in doubt, rather than lose the benefit of the other part of the bill. There were, he thought, three or four shades of this business. He conceived that juries had a right to decide on the intention, for the intention was matter of fact. The difference between murder and manslaughter had been held to be matter of law. Another thing was the tendency and effect of a libel, which he conceived to be as nearly matter of fact as possible. The construction of a will, of a settlement, of a deed, or of any legal instrument, was certainly matter of law, but the question, whether such a libel had or had not such a tendency, was merely matter of fact, and yet some had conceived it to be matter of law. With regard to murder, he

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owned he had always felt considerable difficulty in deciding on that point. The opinions of eminent lawyers ha l always great weight with him; they had probably settled the point in a way that was just and proper. It had always appeared to him that, besides the naked facts, and abstract law, as applied to those facts, there was something between them which he could call by no other name than the application of law to those facts; and there was a question sometimes mixed of law and fact, and that question must go to the jury. He thought it was safer not to distinguish between fact and law, but that the whole should go to the jury. It was possible that the judge might maintain that to be matter of law which the jury might conceive, or the counsel for the defendant contend, to be matter of fact. He conceived it to be universal in all trials by jury, for the judge to give his opinion and advice with regard not only to the law, but sometimes also with regard to the fact: and he had no sort of apprehension that the passing of the bill would tend to prevent the judge from giving that advice and assistance which his superior learning and information enabled him to bestow. He wished the bill should stand as it then did, and that the whole matter might be referred to the jury. It was very different from murder, because in that case nothing appeared on the record. He conceived that, notwithstanding lord Mansfield's declaration, that in threatening letters the jury had only to consider the publication, and, whatever might be the case in high treason, yet in all cases of libel they must be set forth *verbatim*. It must be left in all cases to a jury to infer the guilt of men, and an English subject could not lose his life but by a judgment of his peers. Mr. Fox took occasion to mention the case of high treason, and overt-acts of treason. He should, he said, be very glad to accept the words of the learned gentleman, "with the assistance and under the direction of the judge in matters of law," were those words not to create another difficulty, and tend to keep up the old quarrel in another shape; and, instead of disputing what was the province of the judge, as distinct from the province of the jury, a dispute would arise about what was law and what was fact. He did not know any offence that could be tried without the assistance and direction of the judge: and this bill was only to put the case of libels on a footing with all other criminal cases. He conceived, therefore, that the words which had been proposed were intirely useless, and mere surplusage.

Mr. *Erskine* defended the preamble. The only argument that, he thought, could be adduced for expunging it was, that it was a truism, and perhaps unnecessary. In criminal law, where a general issue was joined betwixt the king and a defendant, the jury had a jurisdiction over the whole matter. The learned gentleman well knew that by these words the jury were not empowered to judge of the law. How could the judge decide on the law till the jury had decided on the fact? for, previous to that, he could not tell how far the law would bear upon the fact. The clause proposed by the learned gentleman, was of much more dangerous consequence than might at first be apprehended, as it went to narrow the jurisdiction of the jury in all criminal cases; for if these words were adopted, it would look like a kind of declaratory act. It ought not to be adopted, because the consequences that would be produced by it would be of the most dangerous kind. The amendment tended to weaken the power of the English jury, and thereby endangered the constitution. Instead of entitling the Bill, "A Bill for ascertaining the law of libels," it should be called, if the amendment were agreed to, "A Bill for curtailing the power of juries;" because, if juries were to give a verdict according to the direction of the judges in cases of libels, they might be tempted to pay that implicit obedience to his advice, even in cases of a much more criminal nature. Should, however, even this consequence not ensue, still the amendment was improper; for in future times of oppression, a judge, who might be the tool of the court, would possess the power of controlling the judgment of the jury, to the manifest injury of the liberties of the people.—He then stated the powers of a jury in criminal cases; if they even pronounced an innocent person guilty, in case of murder, felony, &c. in the teeth of law and evidence, the judge must pronounce sentence of death in the first place, and the remedy only lay in the king, who could pardon the guilty as well as the innocent, under such a verdict. And again, if a jury, in despite of law and evidence, were to acquit a felon, he was immediately discharged; such was the wisdom of the constitution in the interposition and aug-

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mentation of the powers of a jury, lest the crown should bear too hard on the life of a subject; nor could a jury be amerced or imprisoned for their verdict, since the days of Bushell,* who was moved by Habeas Corpus to the court of King's-bench, and acquitted by his peers, before Mr. Justice Vaughan. What was the case of the seven bishops? Two of the judges made no difficulty in declaring, that the petition which they presented was a libel; but the jury acquitted them. Such was the excellence of our constitution, which provided a check against the influence of bad judges, in bad times! The learned gentleman read a passage out of Bracton, to show, that the juries, in the opinion of that old writer, were judges of law and fact: for then it was stated, that no man is to be tried in life or limb, but by the Curia and Pares, and that the king is not to interfere, because that would make him at once accuser and judge, nor the judge, because he is the representative of the king. He certainly wished that the practice should be continued, that the judge should give his advice and directions in matters of law; but he did not wish, that an act should be passed for that purpose in sea cases where one vessel ran down another. What was the practice of the noble and learned chief of the King's-bench? Why, that exalted personage sent for some of the elder brothers of the Trinity-house to take their opinion. Was this any reason that he was obliged to adopt their opinion? In order still farther to strengthen these arguments, he drew a distinction betwixt civil and criminal cases. In the former, what was the practice? Why, the plaintiff entered his complaint on the records of the court: process was issued to compel the appearance of the defendant; if it was matter in law, it was left to the decision of the judges; if matter of fact, it was left to the jury. The jurisdiction of the jury extended to the whole matter at issue.

Mr. *Bearcroft* said, that all had confessed that there was something defective in the present system that subsisted with regard to libels, and concurred in the necessity of applying some remedy. He entered into a pleasant disquisition of the subject. He wished that the juries should be subject to the advice of the judges, and was for a friendly accommodation between both parts of the House. He conceived it improper to tell juries who may sit on libels in future, that the judges had usurped a power that they did not possess, namely, that of advising them on points of law, in cases of criminal prosecutions. If such an idea went abroad, in respect to juries, is would be like placing beggars on horseback, who would doubtless ride to the devil. This defect, he believed, arose from the foul mixture which had taken place in the case of libels of political opinion, which ought always to be kept separate from the decisions of a court of justice. A very few words, he conceived, were necessary to reconcile the differences of sentiment, which were entertained on the present subject. Respect was certainly due to the opinion of judges on the question of law. But it was only necessary for them in the case of libel, after having given their instructions, to say, "Gentlemen of the jury, do upon this, as upon all other occasions; give the verdict as you please, arrange it in any of those classes which we have enumerated and explained, except you should find it necessary to bring in a special verdict: hearken to what we have now delivered, but follow it only as, upon consideration, you shall find that it applies to the case which you are now to decide."

The *Attorney General* said, that juries had, in all cases, a right to bring in a general verdict, which, since the reign of Charles 2d had never, in any instance, been challenged or disputed. The present bill he thought unnecessary; but, in the situation it now stood, he had only to say, that the respect due to the opinions of the judges, in matters of libel, ought most certainly to be established upon the firmest grounds.

The *Master of the Rolls* declared himself satisfied with the object of the bill. Juries had gone in opposition to the directions of the judges, and perhaps we were indebted to their conduct on such occasions, for some of the most inestimable blessings we enjoyed. He wished the object of the bill could be attained, as he thought it would be a very useful one.

Mr. *Fox* said, that from what he had heard, he was only confirmed in his opinion, that the words, "by the assistance and direction of the judge," ought not to be inserted in the bill. One learned gentleman had said, that the jury ought to hearken to the opinion of the judges;

* See Howell's State Trials, Vol. VI. p. 999.

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and another had said, that they ought to regard it with respect. He doubted how far the terms either to hearken or respect, could be defined by any statute: and nothing ought to be admitted into a statute, which was not positive and defined. To hearken and to respect, were properties of moral conduct, upon which the judgments of men were to be exercised. Indeed, he thought that scarcely any words could be admitted into the bill which would not either signify too much, or convey too nice a distinction. He thought, however, that the object of the amendment might be attained by inserting a proviso, that there was nothing in the present bill which was intended to preclude the judges from giving their opinion. This proviso, however, he considered as a surplusage. In a bill, the object of which was to assimilate the proceedings with regard to libels, to those employed in all criminal cases, it was not necessary to state that the judges were entitled to deliver their opinions upon this, in the same manner as upon other occasions. Why should it be supposed that there was any difference? Much benefit was to be derived from the opinions of the judges, both with regard to law and fact. Nor did he think that any proviso or amendment was necessary to secure to the jury the benefit of this opinion, as the judges had, upon no occasion, shown any inclination to withhold it. But of the two, if it was thought necessary that one should be adopted, he regarded a proviso as the least exceptionable.

Mr. *Pitt* said, that any instructions which a judge could give respecting the law, previous to the decision of the jury, could be only hypothetical. In a case of libel, for instance, the judge might state the different sorts of libels, but must afterwards leave the jury to apply these instructions to the particular case, or to adopt their own opinion, if they should resolve upon a special verdict. If it was not made binding upon the judges to give their opinion in this as in other cases, he was apprehensive that some confusion might arise, and the doubts be renewed with respect to the separate province, which the judge and jury were entitled to hold in the questions of law and fact. He thought the difference now was brought to a very narrow compass: the question at issue was not what was the abstract point of law, but what was the natural way for judges to proceed. In his opinion, their mode of proceeding was to give a legal definition of the species of libels. The object was not to exclude judges from giving their opinions; they were to argue hypothetically; juries were bound now as much as in other cases, and so were the judges.

Mr. *Fox* said, he did not think it necessary to render it binding upon judges to deliver their opinion upon an occasion, in which, as in all other cases, they were left to exercise their discretion. His wish was to render the enacting part of the bill as plain and simple as possible; and therefore he wished to adopt a proviso in preference to the amendment. It was not the object to direct the mode in which the judges were to exercise their rights, but only to divide the limits between the functions of judge and jury.

Mr. *Morris* expressed his objections to the principle of the bill. He approved of the old method, as agreeable to the law of this country. Those who accused it as modern, had done it injustice; it was so ancient as to have originated in the Star Chamber, a court which, though it had no great credit for its decisions, had produced many laudable and useful institutions. He did not conceive it necessary that any alteration should take place in the mode of procedure with regard to libels. He gave it as his opinion, that nothing was necessary on the part of the jury, except that they should find the publication, and fill up properly the innuendos.

Mr. *Pitt* said, that so far from considering that the bill would operate as a protection to libellers, he thought it would rather have a contrary effect; and that a remedy for the evil of libel would most effectually be found in the decisions of a wise and impartial jury.

The *Solicitor General* agreed to adopt the mode proposed by Mr. Fox, to make a proviso, and for this purpose to withdraw his amendment. The amendment was accordingly withdrawn. The solicitor general then moved a proviso; "That on every such trial, the court or judge, before whom such indictment or information shall be tried, shall give their or his opinion and directions to the jury, according to their or his discretion, in like manner as in other criminal cases." The proviso was adopted.—The bill was reported to the House; and the following day, it was read a third time and passed.

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Debate on the East India Budget.] May 24. The House having resolved itself into a committee on the several East India Papers that had been presented,

Mr. *Dundas* rose. He said he was now enabled to state the finances of India, from more perfect and more regular accounts than he had been provided with on any former occasion. By the resolutions voted in the committee last session, it appears that the gross revenues of the British possessions in India, as far as could then be ascertained, amounted in 1788-9 to 6,971,451*l.*—That the amount of charges was 5,118,997*l.*—That the interest of debts due on the 30th of April, 1789, amounted to 438,426*l.*, which would leave a nett revenue of 1,414,028*l.*; and to this sum, adding the amount of import sales and certificates, the surplus would amount to 1,709,389*l.* In compliance with the expectations of the committee, in consequence of the notice I have given, I shall proceed to detail the grounds of the resolutions I mean to suggest this year for their adoption; stating, as usual, the situation of each settlement separately, and concluding with an aggregate view of the whole.

Bengal.—The resolutions relative to Bengal, adopted by the committee of last year, were founded on an average of the actual receipts for three years from 1786-7 to 1788-9, together with a comparison of the estimated and actual amount of the revenues and charges for the year 1788-9, and on an estimate of the probable receipts and disbursements for the year 1789-90. The resolutions of this year will be founded on an average of the actual receipts for the three years, 1787-8 to 1789-90, and on a comparison of the estimated and actual amount of revenues and charges for the last of those years, and upon an estimate of the probable receipts and disbursements for the year ending the 30th April, 1791. The first document to which I refer, is the account No. 1; and upon the first three columns of that account I mean to move a resolution, stating the average of the collection of the revenues for the three years, 1787-8 to 1789-90 to amount to 5,454,106*l.* The next account to be adverted to is No. 3, being a comparison of the estimated and actual amount of revenues and charges for the year 1789-90. The revenues were estimated at 5,609,397*l.* They amounted to 5,620,656*l.*, which is more than estimated by 11,259 The charges were estimated at 3,162,627*l.*; they amounted to 3,120,149*l.*, which is less than estimated by 42,478*l.* This, added to the excess of revenue, makes the result, upon the whole, better than was estimated by 53,737*l.*

The committee will probably wish to be informed, upon what particular articles, in both branches of this statement, the difference arises. The chief increase of receipt above what was estimated is in the articles of Benares and land revenues. The reason for both these is the same, viz. a greater collection of the current revenues and arrears than was estimated. Thus, the revenues of Benares were estimated at the sum actually received the former year, being 426,574*l.*, but a sum of no less than 468,445*l.* was collected within the year. In like manner, with regard to the land revenues of Bengal, it was supposed that at the end of the year there would remain of balances uncollected, a sum of 25 lacks, whereas, in fact, not above 13½ remained. This circumstance is a very satisfactory one, not only in respect of the uses to which the money so brought into the treasury might be applied, but also as it affords a proof of the caution with which the estimates are now formed, and the prosperity and ease of the landholders, evinced by the promptitude of their payments, without remissions or arrears. These circumstances would have produced a very great addition to the estimated revenues, if they had not been counterbalanced by the deficiency of the receipts from the sales of salt. Perhaps those of the committee who were present and attended to my statements of last year, will recollect that I expressed my hopes that the article of salt would not continue to produce such a large revenue, even if the loss of 3 or 400,000*l.* per annum should be the consequence. It could only be desirable on a concurrence of two suppositions. First, a great increase of population of the country; and secondly, a proportional increase of the manufacture itself. The first was not to be rapidly looked for: and as without it the second could not take place, the keeping up the revenue to so large an amount would be cruelly severe on the natives, who being Gentoos, live mostly on rice, and to whom of course, salt is a most essential necessary of life. I observe that in 1788-9 the average price was 357 sicca rupees per 100 maunds, and in 1789-90 it was reduced to about 300. I shall have

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occasion hereafter to mention a further reduction.—With regard to the charges, it has been already stated, that they are less than the estimate, chiefly owing to the salt advances and charges being less than was expected; and to a decrease in the expenses of buildings and fortifications. These savings would have made a very considerable change on the state of the account, if they had not been counterbalanced by the increase of the military charges above the estimate. This increase is easily accounted for, when you are informed, that in February, 1790, lord Cornwallis, at the commencement of the war, made an addition of two companies to each battalion of native infantry, amounting in the whole to near 6,000 men, and an addition of 60 troopers to each of the two regiments of cavalry; and likewise, prior to the close of the account, had sent lieut. colonel Cockerell to the coast, with a detachment consisting of about 6,000 men.

I will now direct your attention to the estimate of revenues and charges for the year 1790-91. And as those estimates hold out a very considerable diminution of revenue, near forty lacks of rupees, and some addition of expense, it will be expected by the committee that I advert more particularly to the reason of those differences. And first, as to the diminution of revenue. The committee will revert to what I have already observed, as to the very productive collection of revenues within the preceding year. Having collected so large a sum of arrears from Benares in that year, the present estimate very properly holds out the expectation of receiving only the current revenue. It is indeed probable, that little more arrears remain to be collected from this and the other land revenues, than what may be sufficient to counterbalance the arrears which must at all times, to a certain degree, exist in an account brought to a close on a particular day. But the great deficiency pointed out in this estimate arises from the article of salt, which, from the reason already given, I certainly do not lament. By the sale which happened on the 10th of June, 1790, some months prior to the date of this estimate, the price of salt was reduced to 245 sicca rupees per 100 maunds; and by the advices by the princess Amelia, it appears that the price remained equally low on an average of two sales which took place on the 2nd of September and 25th of October, 1790. The last sale indeed was so low as 225 sicca rupees per 100 maunds. These articles, with a small decrease in the expected receipts from the sale of opium, fully explain the deficiency of estimated revenue. Although we may feel in the present moment some regret for the loss of any revenue, yet we can never put any inconvenience of that nature in competition with the satisfaction we must all feel, in reflecting, that the defalcation arises from a circumstance connected with the happiness of millions of the human race under our protection.

In respect to the estimated charges for 1790-91, it will be found that the civil are higher than the former year by about two lacks. This is principally in the mint charges, occasioned by the expense and loss attending the new coinage. The military charges are estimated 7½ higher than the actual amount in the preceding year; and when the increased expense incurred in that year, for the reasons already stated, is considered, they will appear to be 13½ above the estimate of 1789-90, which is nearly the amount at which the military auditor-general has computed the annual increase of the military establishments noticed above, and (with a reserve of what may arise from the contingencies of the war) does not seem to be under-rated. The expenses of buildings and fortifications, and the revenue charges, are estimated at about four lacks less than the actual expense of the fomer year. As to the first, the governor-general has directed no more than absolutely necessary should be laid out on account of the war. The salt advances and charges are estimated at CRs. 1,29,267 more than the preceding year's disbursements. On the whole, the estimated charges do not appear to be materially, if at all, underrated; except in so far as they may be increased by the further detachment which was sent with lord Cornwallis to the coast. But as we have no estimate of what that additional expense may amount to, there is no other ground to proceed upon, but to move a resolution on the sums stated in the estimate before us. According to which the revenues are calculated to amount to 5,223,942*l.*, and the charges to 3,183,221*l.* leaving a surplus of 2,040,721*l.* which is less than the actual surplus of 1789-90 by 459,786*l.*

Madras.—I have the satisfaction of observing, that in the statement of this year, respecting the finances of Madras,

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we have the same materials to proceed upon, as those that have been adopted as the foundation of the resolutions I mean to move relative to Bengal. You have, in the first place, the account No. 4, which gives the gross collection of the three years, 1787-8, 1788-9, and 1789-90, and the average of which amounts to 1,265,357*l.* I next refer you to the account No. 6, which is a comparison of the estimated and actual amount of revenues and charges for the year 1789-90. The revenues were estimated at 1,396,144*l.*, and amounted to 1,255,807*l.*, making a deficiency of 140,337*l.* The charges were estimated at 1,508,544*l.*; and amounted to 1,739,014*l.* The difference is 230,470*l.*, which, added to the deficiency of receipts makes the actual account worse than the estimate by 370,807*l.*, the actual excess of charges in that year above the revenues having been 483,207*l.* In explanation of this it will be observed, that the actual collection from the land revenues fell short of the estimated pagodas 3,52,319, and the charges were increased by the preparations for war, which was in that year to a certain degree commenced. It ought, however, to be observed, that this deficiency in the account would have been in part made up, if the nabob and rajah had made good their payments. The last columns of the accounts Nos. 4 and 5 give the estimate of receipts and disbursement for the year 1790-91. By the estimate the receipts are stated at 1,766,376*l.*, and the charges at 2,548,575*l.*; being an excess of charges 782,199*l.*

Bombay.—The revenues of Bombay, on an average of the three years, 1787-8 to 1789-90 amounted to 151,764*l.* The revenues in 1789-90 were estimated at 138,229*l.*, and the actual amount was 167,319*l.* The revenues, therefore, exceeded their estimated amount by 29,090*l.* The charges were estimated at 568,710*l.*, and the actual amount was 557,110*l.*, being less than estimated 11,600*l.* So, that adding the excess of revenues to the decrease in the amount of charges, the actual result is better than was estimated by 40,690*l.*, the actual excess of charges above the revenues of that year being 389,791*l.* The revenues are estimated at 266,373*l.*, and the charges at 788,424*l.* Excess of charges 522,051*l.* The increase in the estimated amount of revenues for this year, above what has been received in former years, arises from the subsidies of 114,724*l.*, to be paid by the Mahrattas and the rajah of Travancore, for the troops sent to their assistance.

Bencoolen and Pinang.—In the statement of last year, the small revenues belonging to Bencoolen were taken upon an average of three years, from 1785-6 to 1787-8, at 2,756*l.* The average of the three years from 1786-7 to 1788-9, amounts to 3,261*l.* These revenues are not adequate to its expense; but both Bencoolen and prince of Wales's island receive supplies from Bengal, and of course must be adverted to in the present statement. These supplies were last year estimated at 65,000*l.*, and it appears that they amounted only to 43,944*l.*, being less than estimated by 21,056*l.*

General View.—I shall now proceed to give a general view of the finances of India, by collecting together the whole revenues of the different settlements in one aggregate sum, and stating in a similar manner, the whole of the charges. The actual Revenues of 1789-90 are as follow:

	£.	
Bengal	5,620,656	
Madras	1,255,808	
Bombay	167,319	
Total Revenues		7,043,783
Actual charges of 1789-90.		
Bengal, ...	3,120,149	
Madras, ...	1,739,015	
Bombay, ...	557,110	
		5,416,274
		1,627,509
Deduct expenses of Bencooolen and Pinang		43,944
Nett Revenues		1,583,565
Deduct what paid for interest on the debts, as stated in last year's account...		438,426
Remains		1,145,139
Add the amount received from import sales and certificates		263,940
The total applicable to the purchase of investment, payment of commercial charges, &c. is		1,409,079

The debts in India on the 30th April 1789, as per last year's statement, amounted to 6,680,284*l.* Ditto on the 30th

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April 1790, 7,056,652*l.*—Increase of debts 376,368*l.*—Amount of debts bearing interest stated last year 5,260,672*l.* Ditto, by this year's statement 5,406,935.—Increase of debt bearing interest 146,263*l.* Interest payable in India on the debts, stated last year 438,426*l.* Ditto, on the debts in this year's statement 447,106.—Increase of interest 8,680*l.*

To the increase of debts in India, as above stated, 376,368*l.*; add the amount subscribed to the remittance plan in the year 1789-90, 399,134*l.* The sum is the total increase of debt in India, which appears to have been made in the year 1789-90, 775,502*l.*

I shall proceed to show, as far as the materials before the House will enable me, the Appropriation of the Surplus Revenue of 1789-90 as well as to explain the increase of the debts during that period. The nett surplus, as before stated amounted to 1,409,079*l.*; and the increase of debts to 775,502*l.*—It should appear, therefore, that the sum of 2,184,581*l.* had been applied to other purposes than the payment of the current charges of the establishments and the interest of the debts. There has also been an increase of cash and commercial supplies of 1,861,588*l.*, and an increase of debts to the amount of 322,906*l.*; the difference therefore is only 87*l.*

It has been usual with me, on former occasions, to state to the Committee such observations as I thought had a tendency to show how far the different particulars I had detailed warranted the expectation of a permanent surplus in future to the amount which had been actually realized in the preceding year. If the tranquillity of India had continued, it would have given me particular satisfaction this year to have undertaken this task, because I should have done it without hesitation, as I should have been able to prove that every result I had predicted, and every observation I had made, in this respect, had been realized. I am sensible however, that whatever opinions I may entertain as to the issue of the present war, or whatever speculations I may form in the event of tranquillity being restored, it would be idle to dwell upon them during the dependance of a war, which from its various contingencies, may render all speculations nugatory, and in a moment set at nought all calculations. Under such circumstances, I should wish to be totally silent as to future prospects; but if I were entirely to follow that line, I might, perhaps, disappoint the expectations of the committee and the public, and, in some degree, appear to acquiesce in the gloomy and desponding representations I have had occasion to hear in this place and elsewhere, on the subject of the war in India. I must, however, enter my protest against being classed amongst the number of those who have either wished for war in India, or expressed sanguine expectations as to its final success. To those who choose to think it, or, to speak more properly, who, without thinking it, choose to impose upon the credulity or understanding of others, by alleging that the present war in India is a project originating at home, and from thence transmitted to India, I can only reply, that when they adduce a shadow, not of evidence, but of probability, to support so wild an assertion, it will be full time for me to advert to it. Till then, I must remain under the mortifying reflection of feeling this war to be a war of dire necessity, equally adverse to the views and wishes of the government at home and abroad. And as to what has been alleged respecting the sanguine hopes of success in the issue of the war, I must likewise disclaim every imputation of the kind, as applied to me. I never uttered an expression of that tendency. I know the events of war to depend upon such a number of unforeseen and undefinable contingencies, that I deem every declaration of the kind to be very unwarrantable. The only satisfaction I can feel, during a depending war, is the reflection that no measures have been neglected at home to contribute to its success by the provision of an efficient force; and that satisfaction is further strengthened, by the knowledge that both the civil and military servants concur in doing us justice in that respect. After having said thus much, I think it on the other hand, necessary to state, that since we are unavoidably engaged in war, it is neither manly nor wise to hold that language of despair, which it is so fashionable, in certain quarters, to hold at this present moment. We have been threatened with inevitable ruin, and the expense already incurred has been stated to amount to four millions, six millions, or twelve millions, just as it suited the ignorance or vivacity of individuals to represent it. And, in order that these representations may not fail to have their due operation,

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we are likewise told, that those grievous burthens must rapidly come upon the resources of this country, for that the revenues of your Asiatic dominions, are totally inadequate to support them. Having already guarded myself against the imputation of presumptuously endeavouring to define either the limits, the duration, or the expenses of the war, I shall, however, in justice to those, whose interests are cruelly injured by every unfounded assertion, content myself with barely observing, that whatever may happen in future, there is certainly no material or document now existing, to justify such representations.

This leads me to advert to the statements that are before us; and, it will be observed, that you have upon your table, from each of the settlements in India, an estimate of the probable expenses to be incurred down to the first day of this current month, in which I have the honour to address you.—According to those estimates, the revenues of Bengal are stated at 5,223,942*l.*; the charges at 3,183,221*l.* — Surplus at Bengal, 2,040,721*l.*—The revenues at Madras at 1,766,376*l.*; the charges at 2,548,575*l.*—Deficiency at Madras 782,199*l.*—The revenues at Bombay, at 266,373*l.*; the charges at 788,424*l.*—Deficiency at Bombay, 522,051*l.*—Expenses of Bencoolen and Pinang 50,000*l.*; and the interest of debts, at 447,106*l.*—The result of the whole is, that after paying the whole of the expenses, the interest of the debts, and the expenses of Bencoolen and Pinang, there remains a surplus of 239,365*l.*—And the estimated amount of Import Sales and Certificates is, 313,121*l.*—If this estimate can be supported, then the whole addition to the existing debt must be what is contracted for the investment, above this sum, 552,486*l.*

But the question is asked, what reliance is to be put on such estimates? I answer, that they are undoubtedly liable to every uncertainty attending accounts formed under similar circumstances: but, with that reserve, I am not disposed to think they are liable to any more; for you must have observed for some years past, that the estimates from Bengal have been accurate to a degree almost incredible, and from the regularity to which the accounts of the other presidencies are now arrived, they are intitled to almost the same degree of credit. In proof of this, I refer to the comparison of the estimated and actual accounts now on your table. The time when the estimates were made up also merits attention. The Bengal estimate is dated 16th August 1790, and the Madras estimate the 16th September; and the Bombay estimate was sent from thence the 31st December, and was probably made up the beginning of that month. Before these respective dates, the war had continued considerable time, and consequently must have enabled them to judge, with some degree of accuracy, of its probable expense for the period estimated. In fact, some months before the date of the Bengal estimate, Cockerell's detachment had marched to the coast. Before the date of the Madras estimate the army had been many months in the field; and before that of the Bombay estimate, Hartley's detachment had been for near eight months serving in Travancore and against Tippoo, and general Abercrombie had also taken the field. After what I have said, the committee will not expect me to take up much of their time, in observing upon the alarm which is endeavoured to be created, that the ruinous consequences of this war must ultimately be a burthen upon this country, the resources of your Asiatic possessions being inadequate to such an enormous expense. All these assertions proceed upon assuming as a fact, what is not even attempted to be proved, that such grievous burthens will ever exist, or that there is any reason to suppose the Indian resources inadequate to them. I am not disposed to undervalue the resources of this country, but, notwithstanding any inauspicious aspect the present affairs of India may be supposed to bear, I am still sanguine enough to hope, that the day is much nearer when the resources of India will administer aid to the revenues of this country, than that on which we are to apprehend that India will call for aid from the finances of Great Britain. Perhaps I may feel more confident in my opinions on these subjects, from looking back to the difficulties we have already struggled through. When the present administration of India began we certainly had not an idea what the amount of the debts were; for if we had, I doubt whether the stoutest of us all would have ventured to have undertaken the task. It was not earlier than 1786 that we could, with any degree of certainty, judge of the actual state of the finances of India, owing to the backwardness and obscurity of the

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accounts from thence. At the time of the debates on the India bill, in 1783, the debt in India was stated, and argued upon, by those who should have known it best, to amount to something above four millions: in truth, however, when it came to be collected together and ascertained, there is no doubt but at that period, or at least previous to 1786, its amount was nearer ten millions than any other sum; probably rather above than below it. Under such circumstances, the committee will not be surprised that we were not able to produce any visible change for the better earlier than 1786. During the four years from that time to the beginning of May 1790, the general state of the Company's affairs is very considerably improved. About four millions I consider as the nearest sum I could with propriety name; but I avoid entering into the discussion, as however proper on a future day it may be, it is foreign to the object of the present statement. I shall not trouble the committee further, but only observe, that with the experience we now have, and the means we think we possess of making still greater retrenchments on the establishments and expenses upon the return of peace, I cannot permit myself to yield to that despondency, in which so many persons seem disposed to indulge themselves.—Mr. Dundas concluded with moving his first resolution.

Mr. *Fox* said, he thought himself particularly called upon to say something in reply to what had been urged in some parts of the speech which they had heard from the right hon. gentleman. And one striking point in it, and a most material one he considered it to be, was that towards the conclusion, where the right hon. gentleman stated, that the day was near at hand when India might be expected to be in that flourishing state, that in place of calling upon England for aid, India would be enabled to afford assistance to England. This was an opinion that, were it well founded, must give the greatest satisfaction to the country. He owned, however, that it did not appear to him to be well founded, upon any one ground of statement or argument, that he had yet heard or been able to collect. He must likewise say, that it had not the greater weight with him, when he heard the assertion come after a most cautious and evasive declaration, that with regard to the papers on the table, as far as they respected the expenses of the war in India, the committee were not to consider themselves as possessed of the right hon. gentleman's own opinion upon that subject, or the probable result of it. A great part of the right hon. gentleman's speech, had been employed to exculpate himself from the charge of being the author of the war in India. For his part, he thought it mattered not so much who was the author of it as what were likely to be the consequences of it, and upon that point, he believed, there could be but one opinion in the country, and that was entirely against any war of the kind, which could be attended with no good effect, and was a certain expense and calamity both at home and in India, and had not for its object any thing that could justify the policy, justice, or expediency of it. He never had said that the right hon. gentleman was the author of it; for he had no pretensions to say so, when he took such pains to disclaim it; nor had he ever given his opinion as to the amount of the expenses which might be incurred by that war.—The right hon. gentleman had taken great pains to convince the committee that no opinion could be formed of the expense by the estimate on the table; and at the same time, in a very curious manner, he had argued as if he wished them to believe that the expenses hitherto incurred did not exceed that estimate. Mr. Fox said, he believed the fact to be quite otherwise, and that the expense already far exceeded the estimate; a matter that, perhaps, with more propriety might be afterwards discussed. He believed that the expense would certainly amount to five or six millions at least. From all that could be made out, from what official information they had received, from common report, and from the latest letters from Madras, it was generally believed that it would be much greater, and the event of the war very uncertain. The right hon. gentleman had alluded to his opinions, upon a former occasion, respecting the amount of the debt in India, arising from the arrears and other charges after the last war in that country, and had stated that those arrears had far exceeded even what his (Mr. Fox's) own opinion had reckoned them at, and that the total debt amounted to more than ten millions. Now, with this before their eyes, would any person be bold enough to say, that arrears and debts would not increase after this war, even when it was concluded in the same manner as they did be-

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fore? If they could say so, he should be glad to know upon what supposition their opinions were founded. In short, this estimate, when all the authority which the right hon. gentleman could give it was added to it, seemed by his own account to be worth nothing, as a guidance to the committee, or from which they could form any guess of the probable expense.—The right hon. gentleman had stated, Mr. Fox said, that he could not answer for the success of the war. To be sure he could not; but if any reliance was to be had on the argument which the right hon. gentleman had used throughout the whole of the discussions on this Indian war, certainly the committee had reason to expect that success would be the result of it; and if they thought this was the right hon. gentleman's real sentiments, they no doubt would entertain sanguine hopes that his opinion was well grounded. Much stress had been laid upon the manner in which the events that had already happened in India, were represented in this country; and it had been said, that both in their nature and consequences they had been much exaggerated. But if this was the case, he would ask, what steps ministers had taken to convince the public that the facts were otherwise than what common report stated them to be? On the contrary, from their total suppression of all official communication, and their silence with regard to the dispatches they had received, might it not be inferred, that their own opinion of the information was worse than the statement which the public had could lead them to form; when it seemed they dared not publish the accounts which they had received?—Mr. Fox again stated, that he had not given, nor could he give, a direct opinion of what might be the probable expense of the war; but he could give an opinion as to the impropriety and the injustice of the object of it, which he understood to be that of extirpating Tippoo Sultan. He, however, trusted that we should, by some kind of peace or other, and by not accomplishing that object, save from disgrace and infamy the British character in India. He could not prophecy any more than the right hon. gentleman; but he did believe that we should be mistaken in all our hopes of success, mistaken in all our designs and pursuits against Tippoo, and finally mistaken in our attempts to drive him from the Mysore country. Events that had already happened justified these assertions, and we were daily hearing something or other which tended to corroborate them. Mr. Fox paid many compliments to the British army now in India, and was convinced, he said, of their exertions. They possessed military ardour, great professional skill, and conspicuous gallantry. Highly, however, as he rated the character of the British forces, we had no reason to think contemptuously of our adversary; every fresh account only tended to confirm us in a contrary opinion. He would therefore insist, that the best news that this country could receive from India would be, that peace was concluded; and when he said this, he should be asked, What kind of peace would you wish? To this he would answer, any kind of peace, without addition of territory, that could be obtained, and was not dishonourable to the country. The going to war for the acquisition or extension of territory, he would always reprobate as impolitic and unjust. If we persisted in the war, or he might say, even procured an immediate peace, what would be the consequence of the war we had engaged in? Why, the certainty of having our military force in India weakened and diminished; our revenues, both there and at home, drained and exhausted; and our name and character, as a great nation, disgraced and lowered in the opinion of the world at large. As to the authors of the war, whatever disgrace they might meet with, it was not his business to point them out; nor could he say whether it originated with the government in India, or the board of control. He believed, however, the general opinion in this country was, that it was commenced in consequence of orders from home. In defending himself from any blame on this point, the right honourable gentleman had said, who could suppose that he, or those he acted with, could wish for a war? But what was this sort of argument, Mr. Fox observed, but the old exculpation of every minister, and his general defence when his conduct was called in question?—Mr. Fox came next to the general state of our finances in India, and the flourishing condition of it, which had been expatiated upon by the right hon. gentleman. He was extremely glad to hear it was so, and would be more so, when he saw and knew it to be, as described that night; but he must own, that what occurred the other day, when the finance report of 1786, and that of 1791, were under their considera-

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tion, staggered his faith a good deal with regard to all reports of that nature; and he cautioned the committee not to be too sanguine in their hopes or expectations. Let them consider, that the India debt now amounted to sixteen millions sterling, to which we were to add the 800,000*l.* in the estimate upon the table, and then say, whether, in the present appearance of circumstances, there were strong grounds for sanguine prospects. Notwithstanding all he had said against the measures which seemed to prevail in the system of government in India—notwithstanding the injustice and impolicy of the war now carrying on in India—notwithstanding the impoverishing, calamitous, and disgraceful consequences that must attend the continuance of it—notwithstanding the certainty of the expense, and the improbability of advantage accruing to this country from it—still Mr. Fox said, he would close with the right hon. gentleman, if he could make good what he had concluded his speech with—namely, that the East India Company would never again require assistance from this country.

After a long conversation, in which Mr. Dundas, Mr. Fox, Mr. Hippisley, Mr. Benfield, Mr. Pitt, general Smith, and major Maitland took a part, the several Resolutions were agreed to.

Debate on Mr. Thomas Grenville's Motion against any interference in the War between Russia and the Porte.] May 25. Mr. *T. Grenville** rose and addressed the House for the first time. He began with stating his reasons for calling the attention of the House upon this occasion; and he trusted that the state in which the country really was, would be a sufficient apology. It was, he said, in a state of constant terror and serious alarm: day after day was regularly producing something more dangerous in appearance, more uncertain in event, and less intelligible, than what had gone before; and all this without any justifiable cause being assigned by those who were intrusted with the executive government of the country. He had declared that the country had been in constant terror and alarm for some time back, and he thought himself fully warranted in saying so. In the present session, had they not been called upon to vote supplies to defray the expense of a great armament, which they cheerfully granted, with the fullest reliance that the exertions of the executive government, aided by the generosity of the public, had restored the country to a lasting peace, the blessings of which would be universally felt by all ranks and conditions in this country? Now, he would ask, had their hopes been gratified? Certainly not; for scarcely was one armament provided for, than another was in preparation. When questions had been proposed to ministers by gentlemen on that side of the House, the language that had been held had continually been an appeal to their confidence. He should always be disposed to look with a considerable degree of jealousy to such an appeal. It appeared to him that they had been sent there by their constituents to examine, to scrutinize, to look into the actions of public men; and when they gave what in these times was called a liberal confidence to ministers, they gave what did not belong to them to give, and neglected a more important duty. This country stood at present in a very delicate situation with regard to foreign powers. The motion he was about to make would consist partly of a declaration of their opinion of the principal points in the present negociation, and partly of a declaration that it was one of the best functions of that House to give counsel and advice to his majesty in every important juncture of public affairs. If this confidence, now so often appealed to, stood on any distinct substantial ground, it would not be difficult to grapple with it, to show the mischiefs with which it would be attended, and to demonstrate that all these grounds were contrary to every principle of our constitution. If these grounds were distinctly shown to him, he should be glad to meet them. But the difficulty arose from this, that the system of confidence was not distinct, clear, and open, but was grounded on so many and such various considerations that one hardly knew which of them to begin with first. It was made up partly of the king's prerogative, partly of claims which the executive government had made at different times and on various occasions, to the confidence of that House, from the supposed imprudence of discussing pending negociations, and partly of something that looked like a claim of personal character. As for personal consideration, when he heard it urged as a ground for

* Brother to the marquis of Buckingham, and also to lord Grenville.

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confidence, he thought it unworthy of a moment's thought. If he were capable of being swayed by personal consideration from the affection which he bore to his noble relative who, having under his care the department for foreign affairs, was intrusted with the negociations at present depending, it was impossible that he could think they were in improper hands. But personal consideration ought not to weigh a feather when the interest of the state was at stake; and therefore he could not consider it as a ground for giving that confidence to ministers, to which they had not entitled themselves by any service of a public nature.

With regard to the king's prerogative of making war and peace, he was always strenuously disposed to maintain the prerogatives of the crown, because he was persuaded they were vested in the crown in trust for the benefit of the people. He contended that there was no difference between the king's prerogative of making war and peace, and his other prerogatives; except in the extent of the good that would follow, if properly exercised, and the mischief, if improperly exerted. He had been surprised to hear some persons make a distinction with respect to the royal prerogative of making war and peace, as if it had differed from the other royal prerogatives; but this was entirely without foundation. It seemed unnecessary almost to dwell on principles and positions that appeared to be self-evident, and it would be so, if the doctrine of confidence had not been urged; but when a doctrine was attempted to be set up so extremely dangerous to the principles of the constitution, he did not know how to combat principles that were opposite to the principles of the constitution, but by stating those that were agreeable to it. It was singular enough to observe, that although people had been very much disposed to speak of the prerogative of making war and peace, as having a pre-eminence over the rest of the royal prerogatives, it appeared by a reference to the history of our country, that the prerogative of making war and peace, certainly at the times of the most absolute government, was precisely that prerogative which had been most meddled with. The doctrine of confidence was, that the exercise of making war and peace should be interrupted as little as possible. A very ingenious writer had stated different instances, in almost every reign of our history, from the time of the conquest to the present day, when this prerogative was intermeddled with by that House; and the reason was plain, because the means of making peace and war never was to be obtained but by the consent of the Commons. He would not enter into any long inquiry on the subject. It might be matter of curiosity to an antiquary, to inquire when this power was first intermeddled with by parliament. An instance of it occurred so early as the reign of Henry 3d; the parliament refusing to pay his sister's portion, because that alliance was made without their advice. In the long reign of Edward 3d, that prince was obliged to call sixteen parliaments, or councils, for the direct purpose of submitting his treaties, and the circumstances of war and peace, to their advice. Other instances were to be found in the reigns of Henry 7th, Henry 8th, James 1st, and Charles 2d, particularly in the year 1621, and again in 1677, when the Commons declare, "that they conceive it not agreeable to the usage of parliament to grant supplies for the maintenance of wars and alliances, before they are signified in parliament: from which usage if we should depart, the precedent might be of dangerous consequences in future times."* He did not mean to fatigue the House by going into many instances of this kind, though history furnished ample matter to show, that parliament claimed a right to advise and counsel the king in all matters of the greatest importance. In 1701, king William thus replied to an address of his parliament: "I shall continue to inform you of the progress that shall be made in the negociations, and be always willing to receive your advice thereupon; being fully persuaded that nothing can contribute more effectually to the happiness of this kingdom, and the peace of Europe, than the concurrence of the parliament in all my negociations."† This was said by king William, and was a clear answer to the argument on the confidence of that House. As far as precedents went, by the practice of the House, it was obvious, that before supplies were granted, the necessity of them was clearly shown; so that the doctrine of unlimited blind confidence, in so far as it was grounded on the prerogative of the crown, was completely destroyed.

Another thing that had been supposed

* See Vol. IV. p. 880. † Vol. V. p. 1268.

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mischievous to the country was, when foreign negociations were made public before they were concluded. That this was true in some cases there was no doubt. There were cases where it might be advantageous not to make certain things public to that House, or to the country at large; but none of those examples weighed with him in the discussion of this constitutional question. He conceived that all men would agree in the proposition, that absolute power, vested in the hands of one person, if any security could be given that that one person would exercise his power in the most beneficial manner, would be attended with advantages which would not be found in a constitution of a mixed kind, made up of so much popular government. It would be in vain, in a mixed government, to expect the same vigour and effect and the quickness of operation, that would be found in a government under the control of one man. This would be to expect what was never likely to be found practicable even in the most perfect mixed government; he had therefore to acknowledge this to be one of the disadvantages to which mixed governments were liable. But still this free country was content to submit to such disadvantages, rather than endanger the solid securities of their more valuable liberties and privileges; and it had been well observed, that though we lose something in negociation by these public discussions, yet this very publicity gives to our treaties a stronger pledge of good faith, than can be given by any absolute government. To confirm this idea, he quoted the very able author of the Spirit of Laws.

He did not know whether that was exactly the moment to advert to a circumstance which he had seen with some surprise, in the course of the session. There were instances, he knew, to the contrary, but he took it to be agreeable to the practice of parliament, that when a vote of credit was given, the sum voted should be specified; because he apprehended, if it were not specified, the House, who were called on to give a vote, by the description of that vote, which had no limit in point of sum, pledged itself to raise a sum of money agreeable to the terms of the vote. Parliament, therefore, had always looked with extreme jealousy on votes of credit. He took notice of the last address that was sent up by the Commons, in answer to the king's message. He believed parliament had pledged itself to make good the expense of those preparations, whatever the sum might be. But if a precise sum had been voted, the House would have been enabled to judge whether that sum was such as they could have justified themselves to their constituents in voting. But there had been no such description, no specific or distinct sum named. He did conceive parliament had pledged itself to make good the whole of the preparations, whatever the expense might be, which were considered by the executive government as necessary to support the interest of the kingdom, and to contribute to the tranquillity of Europe. This might be a very great and extravagant expense. A learned gentleman, formerly speaking on this subject, had quoted the proceedings of the year 1717. He should make use of the same year for that which he conceived to be a very important part of the question. It was true, that on the 17th of March 1718, there was an instance of a general vote of credit by the House, merely on a message from the Crown; but in April 1717, the question occasioned a very warm debate; it being held unparliamentary to grant any supply, before some estimate of expense was laid before the House, and the question was only carried by a majority of 153 to 149.* In 1734, the same bad practice is quoted with great blame by the able author of Precedents of Parliament. But in 1739, a better practice took place, for a particular sum was then voted; and the same practice obtained in 1757, and has been adopted ever since, confining the credit to a precise sum. Mr. Grenville held the specifying of some sum to be absolutely necessary, and contended that the subject demanded their attention. They had pledged themselves by their address to make good whatever expenses belonged to the operations that were carrying on for the interest and prosperity of the country.

Having said thus much on this part of the subject, he should be very short on the subsequent parts of it; because, as it would contain the two important points which had been the object of the present negociation, one of them had been so ably handled, that it would be unpardonable in him to go over the same field, as

* See Vol. VII. p. p. 485, 555.

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he should despair of throwing any new light upon it. The first of the two objects, was on what grounds they were to prepare for war. They were told, there was no expression in the treaty with the king of Prussia that amounted to such an obligation. But it was said, there was a system of politics connected with the treaty that justified the armament, which the treaty did not in specific terms call for. He had always conceived, that a political system was to be governed by the obligations of treaties, rather than furnish any new interpretations to them; because the system might be liable to much doubt, which it is the object of a specific treaty to remove. He had always understood the peculiar praise of defensive treaties to be, that all treaties, except defensive treaties, contained some *casus fœderis*, which might be matter of dispute and uncertainty: whereas the *casus fœderis* of defensive treaties admitted of no doubt. The single object was, whether the kingdom of either of the two parties who had entered into the treaty had been attacked? Had any of the dominions of the king of Prussia been attacked? Had any of the dominions of Great Britain been attacked? There could not be any doubt about it. The fortress of Oczakow was that which this country insisted upon the empress of Russia giving up to the Turks. The single circumstance that furnished ground of apprehension was, that the empress of Russia, not content with her present extensive territory, had it in contemplation to overthrow completely the empire of Turkey. There was no other argument of weight; and that argument would have had weight with him, if he not heard the subject discussed. One would have thought that Oczakow contained in it the whole fate of the Turkish empire. It was not the first time it was in the hands of the Russians. It was in their possession in 1737, and created no alarm, no apprehension, in this country. It had been completely overlooked by the empress in her military arrangements in the last war. He could therefore see no reason, either founded on policy or justice, why this country should compel Russia to give up Oczakow to the Turks. But it was an opinion with many, that our grand object was, to put the king of Prussia in possession of Dantzic and Thorn, a system of alliance that looked so offensive to other powers, as to be equally impolitic and unjust. As to Dantzic, what did we expect to gain by the cession of that city to Prussia? a larger share of the trade of Poland, perhaps. But, would gentlemen recollect, that in 1707, queen Anne entered into a treaty of commerce with that city, which was guaranteed by several powers. In 1767, the empress of Russia guaranteed the liberties of Dantzic, which was likewise protected by the treaty of Elbing, 1655; the treaty of the Hague, 1659; and the treaty of Hanover, 1725.—The hon. member then alluded to the part we took in the peace betwixt the king of Sweden and the empress of Russia, and referred the House to the late Danish Memorial. Denmark was in the reach of our magnificence, and, under that idea, we were induced to suppose that she would accede to our wishes. But, was it wise or prudent to buy war, in order to mediate for peace? If the real interests of Great Britain were to be consulted, he could see no reason why she should meddle in all the disputes of other powers, or assume the character of arbiter of foreign alliances between other countries, thereby thinking to hold and preserve the balance of power in Europe. Certain he was, if such was the system of administration, it would be unsuccessful, useless, and even extremely dangerous to the true interests of this country.—Mr. Grenville concluded with moving,

"That an humble Address be presented to his majesty, to offer to his majesty's most gracious consideration that counsel and advice, which it is the duty of the Commons to communicate to the throne, in every important juncture of public affairs: —To represent to his majesty, that, the prerogative of making peace and war being, in like manner as all the other royal prerogatives, vested in his majesty, in trust for the advantage and benefit of his people, this House does conceive the beneficial exercise of that prerogative to be most constitutionally and effectually promoted by the advice of his faithful Commons in parliament assembled:— That his majesty's faithful Commons, ever zealous to assist him in maintaining the true dignity of his Crown, by enabling him to provide for the real security and happiness of his people, find themselves compelled at this juncture to express their anxious solicitude, that interests of such important concern may not be unadvisedly committed to the chances and

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calamities of a burthensome war:—To recommend to his majesty's most serious attention the important advantages which the trade and manufactures of this country derive from their friendly and commercial intercourse with Russia, and the heavy loss which would be sustained by any interruption given to it:—To submit to his majesty, that no arrangement respecting Oczakow and its district does appear to this House to be capable of affecting the political or commercial interests of this country, or to justify Great Britain in any hostile interference between Russia and the Porte:—To express our reliance upon his majesty's wisdom and justice, that the peace and tranquillity which this country now enjoys shall not be interrupted for the purpose of adding any increase of territory to the dominion of the king of Prussia:—Lastly, to represent to his majesty, that under the many burthens which this country has very recently voted, in addition to those before imposed on their constituents, they should neither discharge their duty to his majesty, nor to the public, if they did not use their best endeavours to assure the continuance of the blessings of peace, by offering to his majesty their humble and earnest advice, that his majesty, in his wisdom and paternal affection to his people, would be graciously pleased to decline all hostile interference upon the subject of the fortress and district of Oczakow, or for the purpose of procuring any farther acquisitions to the dominion of the king of Prussia."

Mr. *Pelham* rose to second the motion; which, he said, was all the eloquent speech the House had just heard rendered it necessary for him to do.

Mr. *M. Montagu* said, he should give his decided negative to the motion. He had heard no new argument, and saw no reason, why he should withdraw that confidence from ministers, which he had given to them, when he voted for the address in answer to his majesty's message. It had become the practice, on the other side of the House, this session, to bring on, day after day, and provoke the discussion of questions concerning prerogative; a practice which he thought exceedingly improper, and should always oppose. He then proceeded to argue the question upon the general principles of the constitution, and on the received doctrine, that the power of declaring war and peace, was a prerogative of the Crown; next, on the expediency of the measure; and lastly, upon the consistency of the House's persevering in that conduct which it had in the two former instances adopted. He went on to examine the expediency and consistency of it: and said, that though he voted for the address, in answer to his majesty's message, yet he did not hold himself pledged to support any subsequent measure on the subject, unless he approved it on its own merits.

Mr. *Powys* said, if the clear and sensible speech of the hon. mover could not convince a majority of the House to agree to his motion, it certainly must convince all of them of his good understanding, abilities, and eloquence. What principally called him up, was the extraordinary speech they had just heard, which stated them to be bound, by some former vote, to give a future sanction and confidence to the minister for all his negociations and armaments, and all the expenses incurred by them. The hon. gentleman, indeed, had used no arguments; his speech was so general, that it was impossible to give any particular answer to it; but he certainly must require some explanation of that vote by which they were so pledged and so bound to the minister—a sort of general vote of credit that he, for one, knew nothing about. The particular situation of the negociation they had heard nothing satisfactory about. One armament came after another, and hostile preparations were still going on; and did the hon. gentleman think that they were bound to vote away the money of their constituents, without knowing why? They were told that they could not recall their confidence already given to the minister: he wished the minister, or his friends, would either tell upon what particular ground they were entitled to that sanction, or else recall the only three different grounds which they had yet stated, and give some new reason for the war. The first was, that to interfere or to inquire into the exercise of the prerogatives vested in the executive government, was out of the power of the House. If they could stand to this, let them distinctly say so. The second was, that being already bound by some former vote to give their confidence to the minister, it would be an infringement on that prerogative to withdraw it. If this was the case, let them avow it. The third was, that the object in view was to prevent

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Russia from destroying the power of the Ottoman Porte. Are they convinced of this, and that it is a matter of importance to this country? In short, let them give some decent and plausible reason for their conduct; and, for God's sake, let not gentlemen be sent down to their constituents, without being able to give any information respecting what they had been doing this session, farther than that they had increased their burthens, and could not tell them why, because they were pledged to repose implicit confidence in the minister.

Major *Maitland* said, that one part of Mr. Montagu's speech was still to be answered, and that was, the insinuation, that the side of the House on which he sat were unwarranted in bringing forward repeated questions upon the subject of the present war. He would boldly contradict any such assertion, and was only sorry that they were not continued. He would ask the House, whether the many attempts, however unsuccessful, made by opposition this session, had not brought down the violence of language, and insolence of conduct, which ministers had adopted? Since the discussions which had taken place, courier had been sent after courier, and what the first carried, the other was sent, either to stop or to bring back. So contradictory and uncertain was the system of negociation pursued by ministers.

Sir *E. Knatchbull* thought that till ministers forfeited the confidence reposed in them, it ought not to be withdrawn. They had not yet forfeited that confidence, and he therefore would still support them.

Sir *W. Milner* said, if the war with Russia was carried on, it would prove destructive to the manufactures of this country. He would support the motion.

Mr. *Fox* rose just as the Speaker was about to put the question. He said, that as he saw it to be the determination, and as it appeared to be the desire of the greater part of the House, that the motion should go to the question, without a single word of explanation from his majesty's ministers, he rose to remind them, that since it was, probably, the last time this session of their exercising their duty as members of parliament on that important subject, they ought to endeavour at least to enable themselves to give those from whom the money was to come, some satisfactory account respecting the cause of the expense, namely, the armament against Russia. The House could not but have observed the ability with which his hon. friend had opened the address then moved, and the little or no argument that had been opposed to it. His hon. friend had stated the perfect and complete theory of the constitution, and the arguments he had adduced on the subject of confidence and the prerogatives of the crown, were clearly founded on the best practice of that constitution. Mr. Fox said, it was the practice of the constitution that he admired, and always held up as the fit object of admiration, and in conformity to that, he governed and guided his own practice. The doctrines his hon. friend had laid down, had been so clearly constitutional, that he defied any man living to controvert any one of them. The House had passed, as his hon. friend had stated it, an unlimited vote of confidence; but, was their confidence never to have an end, or were they never to have any satisfaction given them respecting the object of the armament? Mr. Fox admitted that when the chancellor of the exchequer first brought down his majesty's message, he had fairly stated that he would not flatter them so far as not to tell them, that by voting the address they pledged themselves to the probable risk of a war. But did the right hon. gentleman now mean to hold the same language? Would he do so, contrary to the opinion of every manufacturing town in the kingdom, contrary to the general sense of the country?—He was aware, Mr. Fox said, notwithstanding so much had been urged for the address then moved, and so little had been advanced against it, that, like the former motions on the same subject, it would be decided against by a majority of that House. He would tell the right hon. gentleman, however, why he had that majority. It was because they believed, though the right hon. gentleman had never told them so, that he had changed his mind. That he had changed his mind was clear and evident, as he would prove to the House from circumstances. They would recollect that the Russian merchants had waited on the duke of Leeds, and desired to know if ministers could give them any information whether there would be a war with Russia or not? His grace had given them for reply, "that his majesty's ministers were so circumstanced, that it was impossible for them

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at that time to give the merchants any answer." The House would also recollect, that the Russian merchants had since waited on lord Grenville, and had received a message, which though it did not formally state itself to be a ministerial message, clearly was so. In that message, the merchants were told, that they might safely navigate to the Baltic till the beginning of July. Now he wished to know why lord Grenville was more fit to give that answer to the merchants than the duke of Leeds? Besides, if dates were referred to, the House would see that between the answer given by lord Grenville and the former answer of the duke of Leeds, there could not have occurred any thing that was not known at the time of that answer. Mr. Fox laid great stress on this, and said the right hon. gentleman was master of his own honour, but he asked, if it was not the duty of the hon. gentleman who made the motion, if it was not his own duty, and the duty of every man in that House, to feel for the honour of the country? The majority he well knew reasoned in this way,—"the minister has never told us that he does not mean to go to war, but we know him to be so good and excellent a minister, that he will not go to war, although he affects to have such an intention." Was it for the honour of the country, to arm for a negociation, which was to end in concession and humiliation? If the right hon. gentleman did not mean to go to war, why did the armament go on at all, but for the mere purpose, as the minister thought, of enabling him to yield with some degree of dignity, but as he thought, with additional shame and disgrace? Ministers, he contended, after proving themselves bullies, had relinquished objects which they might have commanded, and lost opportunities which they might have improved. They ought not, he said, to continue the expenses of an armament, when every object of it was dead and gone.—It was, Mr. Fox said, the doctrine of the moment to hold the prerogative high, and to contend, that it was one of the undoubted prerogatives of the crown to declare war and make peace. Under the sanction, therefore, of this prerogative, while parliament was prorogued, and they were sent about their business, the minister might plunge the country into a ruinous war. The minister had changed his mind once; and what security had they, that he would not change it again? Was it any satisfaction to tell them, that ministers had a claim upon their confidence, and they had no reason to be afraid, because parliament must, in case of a war, be assembled as soon as possible, and then they might refuse the supplies? Could they, or dared they? Mr. Fox asked. He would maintain, that they neither could nor dared refuse the supplies. What, when they found the country engaged in a war, and its honour committed? Undoubtedly they must furnish the means of prosecuting the war, and then they were reduced to that miserable expedient—the remedy of responsibility and punishment! that this might be a compensation in some cases he admitted, but would it be any compensation to an injured people? Did the people not know, that if parliament had not been sitting at the time, all these consequences might have happened? Parliament being sitting had saved the minister, though that was a very small consideration. Indeed, parliament being sitting had more than once, he believed, saved the country.—Mr. Fox here considered the case in both points of view; namely, whether the minister had changed his mind and did not go to war, or, on the contrary, if he pursued his original intention and did go to war; and contended that, take it which way they would, the consequences would be mischievous and disgraceful. He would, he said, take the best alternative, and suppose the right hon. gentleman's mind to be changed. In that case, when they went back to their constituents in the country, how were they to answer for the expenses they had put them to? Their constituents would ask, what did you arm for? Would they say, to make peace between Russia and Turkey? Or would they more truly say, to give Dantzic and Thorn to Prussia, two places, of the independence and liberty of which they were the avowed guarantees? Or would they say, we armed to insist on Oczakow being restored to the Turks? It was new to Englishmen to be told, that the interference of their ministers in the negociations of foreign powers was despised; that they were not the peace-makers, but the embroilers; not the arbiters, but the contemptible bullies of Europe. Yet to this situation were they now reduced, that what they attempted to effect by an insolent menace, they almost despaired of being able to obtain by supplication. Was not this

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calamity so much to be deprecated by a great nation, the very grounds on which the friends of the minister supported him? Did any of them even imagine that we were to go to war to restore the boundaries of Turkey? Such a war, he was confident, neither would nor could be prosecuted, however it might be rashly undertaken. Why was he thus confident? Because he had indisputable evidence of the sense of the country from every man with whom he conversed, he might say from every man he happened to meet. He had indisputable evidence of the sense of the House; for, among all his friends, the minister could not get a single volunteer to maintain that this was a justifiable cause of war. He had been supported by numbers; he had been supported by ingenious debate; but that debate had been chiefly conversations about the prerogative of the crown, the confidence due to ministers, the balance of power, and the necessity of giving strength to the crown pending a negociation. Were he to tell his constituents that the minister had armed, to force the empress of Russia to restore her conquests from the Turks, and to go to war if she refused, the friends of the minister would immediately say, "Gentlemen, beware; Mr. Fox is deceiving you, the minister, we are assured, means no such thing." What, then, was he, or any gentleman, to tell his constituents? That we had armed to threaten and to bully, but without any serious intention of interposing, if our menaces proved ineffectual? That was what no man could tell without blushing. Peace, it was said, was an inestimable blessing, and nothing could be more glorious to a great nation than to promote it. But were we, in fact, the promoters of peace? Were we so considered by the world? If we looked to India, we had not promoted peace there; if we looked to Turkey, we knew that we were strongly suspected of having co-operated with Prussia to excite the present war; we were still more strongly suspected of having instigated Sweden to attack Russia; and there were who imagined that we had too much concern in the revolt of the Netherlands. With what colour, then, could we make humanity and the love of peace a pretext for arming? Would ministers deny that, but for our interference in conjunction with Prussia, peace would have been concluded between Russia and the Porte? We were then chargeable with all the carnage at Ismail, and all the subsequent calamities of the war; and it was too much to hear the friends of the minister allege humanity as the motive of his conduct. In Turkey popular opinion (which must be listened to by the most despotic government) had convinced the divan of the necessity of putting a period to a disastrous war, and we alone prolonged it by our insolent mediation.—He wished to hear, whether ministers meant to abide by that offensive system growing out of a defensive system; for such it was that they had explained. If any one power was to be prevented from obtaining a greater degree of security on one side, because, in consequence of that additional security, it might be better able to attack the power with whom we had entered into a defensive alliance, we could never be at rest; we must watch every change in the relative circumstances of Europe, and attack every power that attempted to improve its situation by whatever means. Such a system might be called defensive, or any thing else, but the effects of it must be constantly and invariably offensive. Was this a system to be defended on pacific principles? It was evident, that if the House agreed to continue an armament, which either was not to be employed at all, or to be employed with equal impolicy and injustice, they betrayed the interest of their constituents, who had sent them there not to trust but to watch, and to see that the money they voted was expended for the benefit of those from whom it was taken. The country owed great obligations to the hon. gentleman who had brought forward the motion. The business from the beginning ought to have been followed up from day to day; but, if other important avocations had prevented that, it was still their duty to do as much as they could. Since it first came before them, a great change had taken place. The minister then explained, with sufficient candour, that the measures to be taken on the address of the House might probably lead to war. As far as war was concerned, those measures were now changed. The minister might say, that it would not be prudent to state any opinion on the probability of war. Certainly it would not, had he persevered in his first opinion. But, if that opinion was given up, it would not only be prudent, but meritorious to declare that he did not mean to interfere in such a

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manner as to involve the necessity of war. Why, then, was expense incurred, commerce interrupted, and our unfortunate seamen forcibly dragged from their usual employments? To imagine that, when we had given up the intention of war, we could deceive the empress into a belief that we had not, was refining too much on state policy. To threaten where we did not mean to act, was, if possible, more contemptible in a state than an individual, and not more contemptible than foolish. The present state of France, whatever gentlemen might think of its new constitution, he had always considered as singularly fortunate for this country; for this reason, that it gave us a pre-eminence among the powers of Europe that we could not otherwise have obtained, and left us free to improve our finances and extend our friendships and our commerce without fear of a rival. That fortunate conjuncture we had not improved, that pre-eminence we had madly thrown away. Instead of acquiring respect and friendship by moderation and good offices, we had excited contempt and enmity by meddling and insolence. With no enemy to contend with in France; with the acquiescence of Spain, whose interest we were promoting more than our own, with our old friend Russia only to deal with, we had contrived to interfere in foreign affairs so absurdly as to make ourselves the ridicule of Europe. The minister had enjoyed a situation such as no minister had ever enjoyed, such as the ambition of a Marlborough and a Godolphin could never hope to obtain.

Quod optanti Divûm promittere nemo
Auderet, volvenda dies en attulit ultro.

What cardinal Richlieu, or any of the first ministers of any age or time would have given any thing to possess, the right hon. gentleman had totally thrown away. he had put himself, and not himself only, but his country, in such a situation, as whole years of moderation and pacific measures were necessary to wipe away, and would scarcely retrieve. The advantages of that situation were to advise, not to dictate; to negociate, not to threaten. These advantages he had completely lost; he had begun where, at the worst, he ought to have ended; and was now obliged to sneak out of the consequence of his own rashness, with the loss of what, but for that, he had fair and rational pretensions to obtain. The old maxim *Lente suscipe, cito perfice*, he had reversed. He had been quick to undertake, and not merely slow to accomplish, but rash to abandon. To restore the character of Great Britain to the respect and confidence of other states, would require years of moderation, To efface the impression that we were meddlers, where we had no concern, that we promoted discord where we had no interest, and interfered where we had no serious intention to act, would require much care and candour in our future dealings. Of late years we had been neither moderate in our pretensions, nor firm in asserting them.

Mr. *Pitt* said, that in the very able opening of the hon. gentleman, he had not observed much novelty, or much that required from him any pointed or particular notice. With regard to all those arguments, on the general principles of the constitution, in respect to the prerogative of the Crown, which the hon. gentleman had so much laboured, there was not one of them to which he was not perfectly ready to subscribe. That the House had an undoubted right to interpose with its advice to the crown, as to the exercise of its prerogatives, no man would deny; but the question was not then, whether they should interfere with their advice to the crown, at any time, but whether, after having in the first instance granted that confidence which the necessary secresy of an important negociation required, they saw any reason suddenly to withdraw their confidence, and totally to lose the effect of a negociation which had for its object the tranquillity of Europe. Would they, then, for the third time, persist in the conduct they had adopted, or would they take an opposite mode of proceeding? For his part, he could not but conceive, that unless there were any new circumstances to induce them to alter their conduct, they would preserve their consistency, and confirm their former decisions. Notwithstanding all the invective which the right hon. gentleman had thought proper to pour upon him, he would not depart from that line of conduct, which he had, from the first opening of the subject, thought it his duty to adopt; but would calmly await the period when, without any risk of danger to the public interests, the whole of the negociation could be investigated and examined; when that moment came, he should throw himself with confidence on his country, satisfied, that if they approved of his administration,

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they would do him the justice to acknowledge it, and determined patiently to submit to their censure if they thought his conduct deserved it.—In the course of the debate, it had been hinted, that we had armed with a view to procure some acquisition for the king of Prussia. As that was totally new in argument, so it was totally new to the minds of his majesty's ministers, as he could safely pronounce it had never once entered into their contemplation. The other points which the right hon. gentleman had thought proper to mention, was the change in the cabinet. He would not then go into the discussion of the reasons which had induced the duke of Leeds to quit his official situation; but would only say, that he entertained as sincere a respect for that noble person as ever. But, exclusive of the resignation of the noble duke, which the right hon. gentleman had assigned as one ground of that change of circumstances which he chose to state as a reason for ministers having altered their minds, the right hon. gentleman had said, there had been at one time insolence and menace in the language of ministers, at another time timidity, and at a third, fickleness and want of decision; and these assertions he had made without the least information. But, even if they had been founded, they would not be arguments for the address. What was it that could induce the House to come to the address at that moment? If at any time an address was necessary, he should have conceived it was in an earlier stage; when, if the House thought his majesty's servants unworthy to be trusted with the negociation, it would have been perfectly constitutional and parliamentary to have addressed his majesty to put the management of his affairs into other hands.—Mr. Pitt took notice of the sort of vote of credit which the House had come to; and argued upon it, to show that it put it less in the power of ministers to abuse the confidence of parliament, than if it had been a vote of credit for a million, which was the usual vote on such occasions. Had the vote of the House been that, ministers would have had the million, besides all that could be spared out of the supply and ways and means, at their command, whereas, from the nature of the vote which had passed, they had nothing more than what could be spared from the supply and ways and means. Gentlemen had said, that if parliament was not sitting, the minister, under the prerogative of the crown, could plunge the country into a war, and thus incur all the ruinous consequences incidental to a state of warfare. The fact undoubtedly was, that the king could plunge the nation into a war at any time he pleased; it did not therefore apply more particularly to the present state of the parliament, than to any recess of parliament; the parliament when it met could check that abuse of the prerogative, and censure ministers for having advised it; nay, they could do more, they could refuse to grant the supplies, and thus effectually prevent the war. Mr. Pitt concluded with saying that he should give his negative to the motion.

The House divided:

TELLERS.

YEAS	Sir J. St. Clair Erskine Mr. M. A. Taylor - -	114
NOES	Mr. Steele - - - - Mr. Adams - - - -	208

So it passed in the negative.

Debate on Mr. Sheridan's Motion respecting the Royal Burghs of Scotland.] May 27. Mr. *Sheridan* said, that before he proceeded to state what he had to say, he would endeavour to refute the insinuation that the business had not been taken up with all the earnestness to which it was entitled. In 1787, he said, the first application on this subject had been made to parliament. It had then been stated that the reform demanded, was really no object to those who were chiefly interested. But how did this appear, when of 66 royal burghs, 58 had petitioned for the reform, and he had presented to the House a petition signed by 10,000 persons, almost all of whom were real burgesses? The first petition sent to him in 1787, had arrived too late, as the period for presenting private petitions was then past. In 1788, the application had been renewed. The right hon. gentleman (Mr. Dundas) had agreed, that a bill should be brought in and printed, and had formed with him a sort of compromise; as an effect of which he expected, from his consistency, that he would now second the motion. Another hon. gentleman (Mr. Anstruther) had moved for the charters and cess of the royal burghs, in order that they might be taken into consideration during the recess, with a view, no doubt, to the inquiry which should afterwards follow. Having moved for the materials which could only

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be useful, in order to institute an inquiry, it could not be expected that he would oppose its progress. It had been stated, too, as an argument for opposing it, that the reform which was demanded, would completely overturn the constitution of the burghs. In this particular they had obviated the objection, by joining issue, and in this state the business stood at the end of the session, 1788. In 1789, as all public and private business had been suspended, from a circumstance which afforded regret to all good citizens, not much progress could be expected to be made in discussing the reform of the royal burghs. The bill had been again printed and read a second time. He moved for a committee, when the hon. gentleman had said, that they took a wrong course, and instead of moving for a committee, in order to consider of a remedy, they ought first to move for a committee to examine into the facts by which the necessity of this remedy was to be proved. To this proposition he had assented. He moved for a variety of papers, which it was agreed should be laid upon the table; and here again the matter rested. In the next session, nothing had been done. The papers moved for had not some of them arrived till the middle of May, and not till he had found himself obliged to renew the order. No part of the delay hitherto could be imputable to him. The delay this session, he would take upon himself. He had, indeed, advised that it should not be brought forward at all. This advice he had given, in compliance with the opinion of his friends, that, in the present state of the public mind, as differently acted upon by the revolution of a neighbouring country, it would be prudent, for a while, to suppress all ideas of a reform at home. In this opinion, however, he could not agree. For if a spirit of servility had got abroad among some, or wild, enthusiastic notions of liberty were cherished among others, he deemed it equally incumbent upon parliament, uninfluenced by extrinsic circumstances, to show their determination to redress grievances. He was likewise unwilling to bring forward a business of so much importance, without that support which he most esteemed. Looking to his object, he certainly considered it as no ground of censure to accommodate himself to means, whilst he made no sacrifice of principles. His objections, however, he had yielded to the wishes of those who were most interested.—He would now endeavour to remove every idea that in the present business there was any novelty attempted. The internal government of the royal burghs, had always been an object of complaint and redress. He would read a commission so far back as the reign of Charles 2d, which enumerated the same grievances which were now stated to exist, and among others, the misapplication of the public money to the purposes of corrupt influence. No new grievance was now the subject of complaint. Power had always been growing into abuse. The same evils had always existed. No remedy was granted; nor was it likely, that, in the reign which he had mentioned, any provision should be made for securing the liberties of the subject. Thus the matter rested till 1784, when encouraged by the declaration of the chancellor of the exchequer, that he would always support parliamentary reform both as a man, and as a minister, the friends of reform in Scotland had formed a convention, and sent delegates from the 58 burghs, who had held different meetings on the subject. In this state the business had fallen into his hands. Little more, he conceived, was necessary to be said. When 58 out of 66 burghs had stated great and positive grievances under which they laboured, and when they had professed gratitude to a right hon. gentleman for the encouragement which he had afforded them to expect redress, he trusted that their gratitude would be confirmed upon solid grounds. If, after all the information had been procured, the House should refuse to look into such information, they would, by shrinking from inquiry, acknowledge that evils existed, which they had neither fortitude to examine nor virtue to redress. If what was stated as grievance was fact, he demanded redress, not as a matter of favour, but of right. He would shortly state the grievances complained of. 1. The magistrates exacted, without legal authority, the cess, or land tax. 2. The magistrates assumed a power of disposing of the public money at their own discretion. 3. They were self-elected, contrary to the law, as might be proved from the charters on the table. But, what was the most serious grievance of all, there was no competent court of jurisdiction for the redress of such grievances. In support of this assertion, he quoted the proceedings of the court of session, where, while the griev-

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ances had been allowed to exist, the court had been declared incompetent for their redress. Nor did this competency which was wanting in the court of session, reside either in the court of exchequer, or in the convention of the royal burghs; so that here was an evil existing, where there were absolutely no means of redress. Mr. Sheridan then moved, "That the several petitions, and other accounts and papers, presented in the last parliament relative to the internal government of the royal burghs of Scotland, be referred to a committee."

Mr. *Anstruther* said, that the abuses enumerated by his hon. friend, would upon examination, be found to vanish. 1. As to the illegal exaction of the cess. The cess, it was well known, was the same as land tax; and, besides, the sum was not apportioned by the magistrates. 2. That the magistrates disposed of the public money. The case was the same in England. Who but the magistrates were entitled to dispose of it? Every corporation surely had a right to the application of its own income. 3. That they elected themselves. The same right was exercised by the corporations here: and how could it possibly be otherwise? If his hon. friend meant to attack the general practice as an abuse, he should not point to any partial, but to a universal remedy. If self-election was contrary to law, then surely there was a law to set it right. If it departed from constitutional principles, it was by recurring to these, that it might again be brought back. No action, it had been alleged, could be brought against a corporation; the case was the same in this country. With what propriety could an action be commenced against a corporation in the king's bench? The fact was, that those who had brought those actions, could not show their title to sue. The burgesses of Scotland stood in the same situation, as the freemen of London. He thought this application unnecessary, and should therefore vote against it.

Mr. *Dundas*, after denying that he had entered into a compromise with Mr. Sheridan, said, that no delay was necessary this session, as all the papers had been upon the table at the end of the last. The great objection which he had to a committee this session, arose from the advanced period at which it had now arrived, so that it would be impossible for the magistrates to attend in order to watch over their individual or public rights. Another objection which he had to a private committee was, that it would operate as an instrument of delusion. The friends of the reform, upon hearing that such a committee was appointed, would immediately flatter themselves that a change would take place in the whole system. Though he differed in opinion from the hon. gentleman with regard to what he had enumerated as abuse, and was sensible that the better part of the inhabitants of Scotland were adverse to any alteration, yet he had no objection to meet him upon fair ground in a committee of the whole House; and if it could be proved that there existed grievances, he should be the most forward to move for a bill or bills in order to provide a remedy.

Mr. *Fox* said, that his hon. friend, and those for whom he spoke, had complained of grievances which did exist, and which, when inquiry was made concerning them, would be found of such magnitude as to be well worthy of the attention of a committee. But by opposing the committee, the right hon. gentleman seemed inclined to pass over the object, which he could not deny was a good one, if the necessity of it could be proved; and before they had begun to receive the necessary information on that point, the right hon. gentleman had determined that no such information was to be had. This was not meeting the subject fairly; it showed that the opponents of this reform dreaded the consequences of inquiry, and built their hopes of a continuance of the present system, more upon the prevention of such investigation, than any probability of their being able to prove that such abuses, as were almost universally complained of in Scotland did not exist. There was, however, one strong argument for appointing a committee; and it was, that no person in the least conversant with the present management of the burghs of Scotland, would say, there was nothing fit to be remedied, or something to which no remedy could be applied. When that question came to be examined into, he was convinced, that much would be found that required a remedy; and likewise that there were those who were ready to propose such remedies as were most likely to be effectual. With regard to the late period of the session, if it was really so near its end, that objection to the motion, might have some weight with him, upon the ground mentioned by the right hon. gentleman, that it would not be possible

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to bring such persons and such information before the committee as it might be requisite to have: he therefore would advise his hon. friend to bring the House to a resolution that it would take up the business early in the next session.

Mr. Sheridan adopted Mr. Fox's proposition, and after a short conversation it was resolved, "That this House will, early in the next session of parliament, take into consideration the matter of the petitions, and other papers, presented to this House in the last parliament, relating to the internal government of the Royal Burghs in Scotland."

Debate on Mr. Loveden's Motion for an Address not to prorogue Parliament until Judgment be given on the Trial of Mr. Hastings.] Mr. *Loveden* requested the attention of the House to a subject highly interesting to the honour and justice of the nation. He meant the trial of Mr. Hastings, which had attracted the notice not only of this country but of all Europe. That trial had already proceeded to a most extraordinary length. He would not enter at all into a consideration of the merits or demerits of Mr. Hastings, but confine himself solely to the delay that had taken place. Mr. Hastings had been on his trial nearly four years, and unless that House addressed his majesty not to prorogue the parliament before judgment was given, another prorogation would probably take place, before the trial was brought to a conclusion. He remarked on the injury done to Mr. Hastings, and through him, the wound that would be given to the constitution by farther delay, if it could possibly be avoided. In referring to the 29th chapter of Magna Charta, he found these applicable words, "nulli vendemus, nulli negabimus, nulli deferemus justitiam,"—"We will sell justice to no one, we will deny justice to no one, nor will we delay it." He meant no reflection on the managers, nor to impute to any individuals the delay that had already occurred; neither would he say that some farther delay might not be unavoidable; but it was his duty to prevent the honour and justice of the nation from being wounded; and he must say, that any farther delay which could be avoided, would be dangerous to the constitution, as it would shake its best bulwark—the right of that House to bring delinquents to trial by impeachment. They would have gained but little by the decision of the question, that the impeachment did not abate by the dissolution of parliament, if that decision was to be followed by a procrastination of the trial to another session. Mr. Hastings would then have a right to say, that the principles of the constitution were broken, in order to oppress and injure him. Mr. Loveden then moved, "That an humble address be presented to his majesty, to represent to his majesty, that Warren Hastings, esq, late Governor-general of Bengal, is now on his trial upon articles of impeachment exhibited against him by the Commons of Great Britain; that, by reason of several prorogations, and a dissolution of parliament, the trial hath already lasted four years, but is now, on the part of the prosecution, nearly finished. To the end, therefore, that as speedy justice may be obtained as the nature of the case will admit, his majesty's faithful Commons, anxious to discharge their duty according to the true principles of the constitution, beg leave to express their hopes, that no farther interruption may take place in the said proceedings on the said trial, and that his majesty will be graciously pleased to continue this session of parliament until the evidence on the part of the said prosecution shall be finally closed, and Mr. Hastings's defence hath been heard and judgment given."

Mr. *Dundas* said, he was anxious to speak early to the motion, because, perhaps, he might feel differently on the subject from any of those who had been concerned in the trial. Those who had acted as managers of the impeachment might feel themselves compelled, from motives of delicacy, to yield to the proposed address: whereas, not having been in any such situation, it was fairly open to him to state his reasons for giving the motion his negative. The motion was neither more nor less than this, to let parliament continue as long as the managers, the House of Lords, and Mr. Hastings thought proper; in other words, it was precisely a motion to abrogate the king's prerogative, and delegate it to a number of persons, leaving it to the discretion of the managers whether they chose to lengthen or shorten the trial. Not that he meant to impute to the managers, that they wished to do any such thing; on the contrary, he was satisfied they would use every means in their power, to bring the trial to as speedy a conclusion as possible. A great constitutional question,

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relative to the continuance of the impeachment, had undergone a very long discussion early in the session. One principal argument in the course of that important discussion had been, that to assert that the king, by the use of his prerogative to dissolve the parliament could put an end to an impeachment before it was brought to its conclusion, was a proposition fundamentally destructive of the rights of that House. At the same time it was insisted, that in proportion as that House was constitutionally entitled to the full exercise of their own rights, so ought the king's prerogatives to remain undisturbed and unquestioned. Neither were they to lose their rights, nor was the king to be deprived of the prerogative which was vested in him by the constitution of the country; viz. the prerogative to prorogue or dissolve the parliament, whenever it should be his royal will and pleasure so to do.—Having stated thus much, it would be easy to trace the analogy between that argument and the present case. By the motion then before them, they were called on to address the king, for the purpose of telling him that he was not to use his prerogative, but that he had better delegate the exercise of it to the House of Lords, as judges on the trial of Mr. Hastings; to that House, as his accusers and prosecutors; and to Mr. Hastings, the defendant. Mr. Dundas reasoned on the enormity of this proposition, and said, if given into, the House would incur this dilemma—they would not only in one session have insisted on the full and free exercise of their own rights, but they would also have completely turned the tables on the Crown, and have assumed the exercise of the royal prerogative, which would be a gross infraction of the constitution, according to the spirit of which their rights, and the king's prerogative, should go hand in hand together. Nor was this great constitutional consideration, all that weighed with him. How was any man to say to what farther period of time the trial would extend? He had heard that the evidence on the part of the prosecution would be finished on Monday; but how was he to be sure that it would? It had been interrupted that day, and might be interrupted again. Could any man in that House, let him be ever so intimately connected with Mr. Hastings, tell what time he would take to make his defence? Could Mr. Hastings himself tell? Many circumstances might occur, which Mr. Hastings could not control. His witnesses might be cross-examined by the managers; and could he tell to what length that cross-examination might go? And when Mr. Hastings's defence was made, the managers might choose to reply, which also might take up much time. It was, therefore, impossible for that House to be aware whether there was a probability of bringing the trial to a conclusion in the present session, let that session be protracted as long as could be expected. Besides, let gentlemen recollect that there were other subjects, which were also highly important, that demanded the justice of the country; and for the sake of Mr. Hastings's trial going on from day to day, would they wish the judges to leave their courts, and suspend all other suits now pending? If they continued the trial much longer, it would interfere with the circuits, and interrupt the course of the civil and criminal proceedings of justice, from one end of the country to the other. He presumed Mr. Hastings meant to have his cause determined by a fair judgment of his peers. Did he wish to be tried by a few members of parliament, and to have only a few judges to hear his defence, and to decide upon it? And yet, if the trial was pursued much longer, this must inevitably be the case, and ultimately, after contracting the session most unconscionably, there would be a very few members of that House, perhaps barely sufficient to constitute a House, to demand judgment of the Lords, and to receive either the condemnation or acquittal of the prisoner. If the present address was acceded to, it would not only be in the highest degree disgraceful to both Houses of Parliament, but to Mr. Hastings himself. Mr. Dundas passed some very handsome compliments on the managers, declaring, that no man could question their having faithfully discharged the important trust that House had put into their hands, with a degree of diligence, attention, and ability, that did them much honour, and reflected much credit on the House, in whose behalf they acted.

Major *Scott* said, that the unprecedented length of the trial violated every principle of the British constitution. Not only did Magna Charta state that justice was not to be delayed, but there was an express resolution of the House of Commons stating, "that it was the right of

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every British subject under accusation, whether by impeachment or otherwise, to be brought to a speedy trial, in order to be acquitted or condemned." To suppose a speedy trial, without that trial being brought to a close, was an absolute absurdity. The delay in this trial had been imputed to various causes; he had his own opinion upon that subject; but the first and serious cause of the delay originated in the articles themselves, which were such as never were before presented, and passed under circumstances which he hoped could never happen again. The right hon. gentleman who spoke last, had now presented four India budgets, and unless all he said and all the resolutions he moved were palpably false, nineteen parts out of twenty of the articles of impeachment, were utterly unfounded. This was a fact of a very serious nature, and would tend more to bring impeachments into utter disgrace in future, than any circumstance that had ever happened. The gentleman who first moved this impeachment did it upon an idea, that the provinces under Mr. Hastings were desolated and ruined; yet it was now notorious that not one word of his description of Bengal was founded in fact. The board of control had fully disproved his assertions, and destroyed the ground upon which the impeachment ought to have rested. The right hon. gentleman had asked, if any man could say how long Mr. Hastings might take for his defence? Was that the objection to the motion? If it was, he would take upon himself to say that Mr. Hastings would prefer a speedy issue of the trial, to the opportunity of making as full a defence as it was in his power to make.

Mr. *Burke* said, that he should trouble the House with a very few words on the subject. He would first ask, did it suit the dignity of that House to stipulate with a miserable man, that his defence should be so lame, weak, and deficient, that it might be the means of his conviction? He must own, that he did not think that addressing his majesty not to prorogue the parliament, pending the discussion of great and important questions, was any infringement on the prerogative of the Crown; yet he thought the House should not wantonly present such an address. The only question in such cases was, whether the object of parliament was equal to such an interference with the undoubted prerogative of the Crown. The House should at all times take care to have a strong ground before they made such an application; and the only question then was, whether this was one of those strong cases that justified such an application? On the part of the managers he would undertake to say, there were no motives of personal ease, no consideration of their own satisfaction, nor any other personal consideration, that could prevent them from an incessant uniform, and diligent attention to their public duty. If one day, or even hour of procrastination in the conduct of the managers could be proved, it would be shameful in the House not to take notice of it. But he was certain the conduct of the managers would stand the test of the most scrupulous examination. Mr. Burke said, that no one ought to argue on the justice of that House hypothetically, because that House had no hypothesis in it. As accusers and prosecutors they were bound to hold Mr. Hastings guilty, till his judges acquitted him, or they confessed themselves to be the wilful and malicious accusers of an innocent man. The honourable mover had introduced a certain portion of Magna Charta, "nulli vendemus," &c. The honourable gentleman had done more; he had been so good as to translate it for them. Was it, he asked, the Magna Charta of king John, of Henry 3rd, or of Oliver Cromwell? He said, it was unnecessary to translate the Latin of Magna Charta, because, though unclassical and inelegant, it was so much like English, and so superior in meaning to its quality, that it was engraven on the hearts of Englishmen. It was even understood by those who had scarcely a scrap of other Latin, by those who had not got so far in their grammar as "Mars, Bacchus, Apollo, Virorum." Magna Charta assured them that justice should be done sooner or later. And did the hon. gentleman who had made this motion know this trial? Did it come within the scale of the hon. gentleman's comprehension? Did he know the length and breadth, and depth, and extent of it? If he did, let him get up and say whether there had been any delay whatever on the part of the managers. If it was to be tried, it must be tried according to the nature and circumstances of the case. Here Mr. Burke went into an explanation of the unexampled magnitude and importance of the trial; a trial for the failure of

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protection to millions of inhabitants of countries, states; and empires, who were not dreamt of as having existence on the face of the globe, when Rufus built his hall, or whoever it was that built it, William Rufus and his coadjutors consequently could not have entertained an idea that a cause of such unparalleled importance would have been tried in Westminster-hall, Nor did William Rufus, when he built Westminster-hall, and was trying his twopenny causes in his exchequer, ever imagine that within its walls a subject would be discussed that related to the happiness or misery of millions. The intention of the trial was for the ends of public justice. If it had not been declared by Magna Charta, something infinitely superior to Magna Charta, God and Nature had said it. They had ordained, by the unalterable rules of right, that offences must be tried and punished according to their circumstances and their nature. Why give a governor-general 25,000*l.* per annum, and titles and prerogatives which they did not give to the Crown itself, but that the office should be attended with a proportionate degree of responsibility? Every trial must be measured by the importance of the subject, and if the Lords and Commons were locked up, as the juries of the inferior courts in Westminster-hall were, without candle or fire, and prevented from eating and drinking till they had given their verdict, the consequence would be, they would be guilty of complete injustice. Such a trial was necessarily and unavoidably liable to delay. There was no such thing as measuring out an exact space of time for it. The managers had done every thing in their power to shorten it. With regard to the hardships of Mr. Hastings, if he were in his place, if he had been three years on his trial, and if that trial was protracted till there was neither prosecutor, judge, nor spectator, he should consider this to be disgraceful to himself as well as to the country, because every man accused of great charges would wish his audience to be as full at the end as at the beginning of his trial. This was his opinion with regard to the sufferings of Mr. Hastings; and he hoped he felt as much as any man for the sufferings of others.

Mr. *Fox* said, that as he should support the address, he could not give a silent vote for it, but wished to assign his reasons why he should do so. In the first place he must differ entirely from Mr. Dundas in that part of his argument which related to the royal prerogative, and declare, that he did not think the taking upon itself to advise the crown upon great and fitting occasions, with regard to the exercise of any one of the royal prerogatives, was an unconstitutional interference in that House: and as a proof that he had always so thought, in the years 1778 and 1779, he had moved and voted for several addresses, intreating his majesty to suspend that most important prerogative, the making of peace and declaring war: but he had been unsuccessful. In 1783, however, he had more successfully, as to the motion, voted for an address, the same in effect as the former addresses, though not equally fortunate as to the event. Indeed he could not foresee any possible case that could arise for that House to address his majesty (and he recollected having voted with a minority of 200 or 250), when, having previously voted that the influence of the crown had increased, they addressed his majesty not to prorogue parliament till they should have passed certain bills for the purpose of diminishing that influence. It was true there had been a majority against that motion, but he was one of those who did not think the arguments urged against the motion had any great weight in them, nor could arguments of the general impropriety of interfering with the prerogative, have any great weight in them, when the occasion for such interference was important and pressing.—He said, he could not agree with Mr. Burke, that the motion contained any expression conveying an imputation on the managers; and one reason why it was impossible that any such imputation was designed, was, because, if blame were due to them, it was more due to the House, of which they acted in this prosecution as the representatives; and it was to be considered that they represented that House at the bar of the House of Lords, not as they represented the people in parliament, but in a very different point of view. As representatives of the people, they could act contrary to the opinion of the people, if they thought it right so to act; but as representatives of that House, they were obliged to be confined to their instructions. Nor was that all; the House thought it not only necessary to attend the trial themselves, and thus be witness of the conduct of their managers, but did

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what, in his opinion, was a disgrace to the House, they received petitions from without doors, stating any part of the managers' conduct to be objectionable. If, therefore, the managers had been guilty of any error, neglect, or delay, he conceived the House would have taken notice of the matter, or they would have heard of it in consequence of applications from without doors. Neither having been the case, it was fair to conclude that they had been guilty of no such error.—He was far from wishing to say any thing that should seem hostile to the right hon. gentleman who had so ably and fairly opened the opposition to the address then moved; he was too sensible of the advantages which he and the rest of the managers had derived from the direct, manly, and powerful support which the right hon. gentleman had given them throughout the prosecution, and more especially from his having, in so masterly and constitutional a manner, stated his sentiments on the important question, whether the impeachment did or did not continue notwithstanding a dissolution of parliament, to be in the least desirous of appearing to act from party feelings in what he was about to say; but he must declare, that he should have voted for the address if there had been no impeachment pending, because there was no circumstance in the history of this country that made it more dangerous to have a speedy prorogation of parliament, than the present state of politics: that consideration, he was ready to admit, gave a bias to his mind, and led him to give way to the present address, because he thought it would be detrimental to the interests of the country for parliament to be prorogued, before they received the answer from the court of Petersburgh.—He joined with the hon. mover in thinking that it was to be lamented that any delay had existed; and no one could regret it more than those who were immediately concerned in the impeachment. They were completely the servants of the House, and acted at their will, for the reasons he had already stated. He trusted, however, that the managers had not caused that delay. He was sure that the House had not, and he did not know that the Lords had; because, if they acted with more delay than the due attention to the rest of the public business on their parts required, he presumed, on a proper application to them upon the subject, they would have endeavoured to correct their error. If the motion glanced at any one, it was not at the managers, but at the minority of both Houses, who voted for the question of abatement. Not that he meant to blame that minority; he had no doubt they acted in a manner which they thought their duty required, and stood upon what they conceived to be the law of parliament and the law of the constitution. The House, however, had decided that their opinions were erroneous; but that did not alter the fact, that they who had thought the trial was at an end had, in effect, added considerably to its protraction, by endeavouring to abridge it altogether. The Lords had taken a considerable time to search for precedents, and had since taken much time also to deliberate on them; all this was unfortunate for Mr. Hastings, but it had been unavoidable.—With regard to the duration of the trial, he agreed that it was impossible to say how much longer it would be, before it could be brought to a conclusion; but the managers would, he hoped, finish giving their evidence sufficiently early for them to sum up the whole on the 30th. But could any one say how long Mr. Hastings's defence would take? To that defence the managers would have to reply, and the nature of the reply must be measured by the nature of the defence. He could not conclude without remarking, that although Mr. Hastings had complained of delay, there seemed to be an intentional delay on his part, and on that of the counsel on his side. That very day the managers had wanted to prove a particular circumstance, and they offered to produce the result of the company's accounts to prove it, but the whole accounts were insisted on being produced. He did not mean to say that this was not perfectly legal, but the results of such accounts had repeatedly been received as sufficient evidence in the preceding part of the trial.—Mr. Fox suggested a wish that the motion were made less definite; and proposed an amendment, by leaving out from the words "express their hopes that" to the end of the question, in order to insert these words, "his majesty will be graciously pleased to continue the present session of parliament, for the purpose of concluding the said trial, or making such farther progress in the same as may give a reasonable probability of its being brought to a termination early in the next session," instead thereof.

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Mr. *Ryder* said, that if the motion were agreed to, it would impose this disagreeable duty on ministers; they must either advise his majesty to give a direct denial to the address, and thus appear to countenance delay, or they must consent to keep parliament sitting when, probably, there would be scarcely any attendance at all. He thought, therefore, it ought not to pass. But what was the amendment which had been proposed? to leave the matter completely indefinite; whereas, the natural state of the trial, and the progress they were daily making, would, in all probability, bring the proceedings to a conclusion in the next session. He objected to the original motion, because it appeared to him to do a great deal too much, and to the amendment, because it would do nothing at all.

The question being put, That the words proposed to be left out stand part of the question; the House divided.

The Yeas went forth.

Tellers.

Yeas	Mr. Cawthorne - - Mr. Minchin - - -	142
Noes	Mr. Sheridan - - - Mr. M. A. Taylor -	61

So it was resolved in the affirmative. Then the main question being put, it passed in the negative.

Debate in the Commons on the Sierra Leona Settlement Bill.] May 30. On the order of the day for the third reading of this bill,

Mr. *Cawthorne* opposed the bill. His first objection was, that it authorized his majesty to make a grant of lands, which he very much doubted whether his majesty had any right to grant; certain he was, that House had no right to interfere respecting them. He stated, that in 1787, king Tom, a superior of the district or peninsula of Sierra Leona, had been prevailed upon to grant that peninsula to certain persons whom the humanity of this country had taken out of the streets of the metropolis, and sent to Sierra Leona, the same year, in the Nautilus, captain Thompson, which grant Mr. Cawthorne desired to have read. It was read accordingly, and appeared to be a formal grant of the lands in question to captain Thompson, and the persons he had brought with him, and to their heirs for ever, and was subscribed with the mark of king Tom. The circumstance of its being subscribed with the mark of a sovereign provoking a laugh, Mr. Cawthorne said, it was scarcely possible to argue the subject gravely. Were he to state all that he knew upon the subject, he thought the House must reject the bill. A code of laws had been drawn up for the settlers of 1787, by Mr. Granville Sharpe; but what did the new settlers do? They plundered and attacked one another, and sold all the stores that were left with them. King Tom dying soon after he had made the grant of the peninsula, he was succeeded by a king James; who, so far from thinking himself bound by the grant of his predecessor, seized upon some of the new comers, sold them for slaves to British merchants, and drove the settlers out of the district; and they were now, as he understood, a great way up the country. —By the present bill, the House were by charters to ratify the king's giving this peninsula to the new company, in order that they might explore the hidden treasures of Africa. To that object, he had no objection; but as the river, upon which the new settlement was to be made, had been open to all nations, and the African trade ships had always put in there to refit, wood, and water, and to provide themselves with whatever they stood in need of, if the bill were to pass, they must be deprived of a right which they had freely exercised for years, and be subject to whatever tax the new company should think proper to impose. It appeared to him, that the object of the bill was not what it was held out to be, but something more, that was unexplained, and therefore he would oppose it.

Lord *Sheffield* said, he disapproved of the general principle of the bill, as its object was to establish a colony. We had colonies enough; and this would be a source of expense, would prove the destruction of our people, and might be the means of provoking quarrels with other powers. The bill pretended to a trade with the interior parts of Africa; yet Sierra Leona was situated on nearly the most prominent part of that quarter of the world towards the west, and the river, which was the only one on a coast of 1,600 miles, was not navigable for the smallest boats above 50 miles. The particular friends of those concerned were told, that the object of the bill was to abolish the slave trade, and to raise sugars without slaves; while others were told, that neither a colony, nor exclusive privileges, nor

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monopoly were intended; and yet the words, "sole and absolute possession," remained in the bill. He could not but consider the revival of a system of exclusive trade, piecemeal, as one of the objects of the bill, for the opening of which the public had paid upwards of 112,000*l.* to the African company about 40 years ago.

Mr. *H. Thornton* said, that when the bill was first brought in, it had been objected to, as a grant of country which his majesty had no right to give. The fact was, it granted no land whatever, but enabled his majesty to grant such land as he should hereafter possess in consequence of purchases to be made. Another objection was, that the bill was calculated to establish a monopoly. This also had been refuted, and it had been shown, that it was no monopoly, but that it was intended to secure a set of gentlemen, who, on public spirited motives, mixed with some speculative views of commerce, were willing to venture a certain capital, from being made answerable, with their private fortunes, for more than their respective shares in the undertaking. He asserted, that the bill did not infringe the rights of any country whatever.

Sir *W. Young* said, that from the arguments he had used upon the question of the slave trade, he held himself bound to support the bill, which he did most cordially, confessing that he thought the gentlemen who were concerned, were praise-worthy for the experiment.

Mr. *Buxton* said, it gave him pleasure to see that a different mode of obtaining foreign territory had taken place, in the instance of Africa, from that which had hitherto prevailed in other quarters of the globe. The mark of a king Tom or a king Jamie subscribed to a grant, was to him infinitely more satisfactory, than the abominable practice of seizing upon territory by driving the inhabitants from their country. He lamented the not having been able to be in the House to give his vote, and express his abhorrence of the inhuman practice of the slave trade.

Mr. *Burrard* considered the bill as the first step towards the civilization of Africa, and the consequent abolition of the slave trade.

Mr. *John Stanley* considered the bill an act of *felo de se*, as to its avowed purposes.

Mr. *J. T. Stanley* thought there could be no objection to the execution of a fair experiment. The bill promised the greatest advantages, by employing the Africans at home, and cultivating the country; he was amazed, therefore, that the merchants should oppose it.

Mr. *M. Montagu* said, that when the question of the slave trade was under consideration, the advocates for that trade had contended, that Africa could not be cultivated; and now they resisted a bill to authorize the cultivation of thirty miles only out of 12,000 leagues. They objected to the newly-intended company, as asking for an exclusive right, absolutely necessary to their object, when they themselves claimed an exclusive right to hold the African negroes in slavery.

Mr. *Robert Thornton* said, that the bill was calculated to relieve the miserable Africans, by opening a door to a more honourable and profitable trade, than that in slaves. It would tend to promote the happiness of millions: those, therefore, must vote for it, who gave way to the dictates of conscience, and the feelings of humanity.

Alderman *Watson* said, that the gentlemen who were ready, in a most public spirited manner, to risk a part of their fortunes, merely desired not to be made answerable for more than their respective shares. Was there any thing unreasonable in that? The bank and the East India company enjoyed the same advantage, in common with many other public companies. He was one who did not think that Africa could be cultivated; but if there were men enterprising enough to attempt it, he thought they ought to be free to venture. Happy should he be, if the condition of those poor people could be meliorated.

Mr. *Hippisley* thought that the supporters of the bill were infinitely too sanguine in their expectations. The experiment had been tried some years since, on the very spot; and it had been his fate to have visited that part of the coast of Africa in the same year, when not one out of ten of the persons landed there with a view to form the settlement, were to be found; the mortality had been so great, that more than three-fourths had died within the year, and the rest had emigrated. During his short residence at Sierra Leona, he understood that the grant of king Tom had been controverted by another chief, who claimed the property of the soil, and that some of our settlers

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had been taken forcibly away by that chief, and sold as slaves. With respect to the general principle of the bill, he should say nothing; but he thought some of the provisions bore hard on the private factories established on the river, and on those who frequented that part of the coast; for the recited grant, in fact, comprehended the whole southern shore, which alone was accessible for anchoring. The south bank of the river was on the declivity of a mountain, and of course had deep water immediately under it, where all the ships anchored, for the conveniency of wood and water, which were plentifully supplied from the mountains. The opposite shore was low, swampy, had no good water, and very bad anchorage, insomuch so, that the ship in which he was a passenger had actually been lost on the sunken rocks, in keeping too near that shore. The monopoly, therefore, which was the object of the bill, must be injurious to other traders.

Mr. *Devaynes* believed there was not a finer country in the world. He had been up the country to a considerable extent, and had proofs that coffee and cotton were produced in abundance, and that sugar grew almost spontaneously. The natives, he said, would bring down forty pounds of sugar, or canes equal to produce that quantity, and sell it for two-pence-halfpenny, or thereabouts: but they were particularly fond of selling to the English, because they, in that case got that sum, and a dram into the bargain. He farther enlarged on the fertility of the soil, and the genial nature of the climate.

The House divided:

Tellers.

Yeas	Mr. Minchin - - Mr. William Smith	87
Noes	Mr. Cawthorne - - Lord Sheffield - -	9

The bill was accordingly read the third time.

Debate in the Lords on the Quebec Government Bill.] May 30. The House having resolved itself into a committee on the Quebec Government Bill, counsel were heard in support of the petitions against the bill. After the counsel had withdrawn,

Lord *Grenville* said, he did not think himself called upon, on the present occasion, to go into the bill that was passed seventeen years ago; nor did he conceive it necessary to enter much at large into any argument to show that it was proper to make some alterations in that act. That bill passed under particular circumstances; but how far it was adapted to those circumstances, it was not at all necessary to enter. The parliament at that time foresaw that an alteration would be necessary in some future period, when it would be proper to adopt another plan. That moment, he conceived, was arrived. There was now no necessity of withholding from Canada a participation of those privileges which were enjoyed by every other British colony. The province of Canada stood in a different situation from the other British possessions in America. It was not a colony planted, or originally conquered by this country, and to which the laws of Great Britain might be transported; but it was a province conquered from another nation, a colony already in possession of settled laws, much agriculture, and an extensive commerce. This was the state, with regard to the great majority of the lower province of Quebec; but there had been particular circumstances, since the conclusion of the last peace, which had created a population in upper Canada of a different sort: a population which had not only been formerly acquainted with British privileges, but which had retired to that country for the express purpose of enjoying them in greater perfection than they could elsewhere.—His lordship entered into a most able justification of the bill. He said, from the circumstance of the inhabitants consisting of two classes, it was judged proper to divide the province into upper and lower Canada, such division having a distinct legislature within itself. It had been stated, that the French inhabitants of Canada were so much attached to the prejudices of the Canadians, to their customs, laws, and manners, as to prefer them to the laws of England. He thought such an attachment deserved a better name than that of prejudice. He conceived it was an attachment founded in reason, or in something better than reason; in the best feelings of the human heart.—It was undoubtedly a mistake to suppose that any government was free only as it approached to democratic principles. Absolute monarchy, absolute aristocracy, absolute democracy had each been tried, and had been found wanting. Our own constitution, which was compounded of these three, was the envy of every sur-

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rounding nation. They were now about to communicate the blessings of the English constitution to the subjects of Canada, because they were fully convinced that it was the best in the world. The legislature of Canada consisted of three parts, representing that of this country. The governor represented the king; the legislative council represented that body in this country, which he then had the honour of addressing; and it had been objected, among other things, to that council, that it would consist of two different classes of persons, some only to sit for life, and others by inheritance. He said, there was precisely the same objection to the august assembly he had then the honour of addressing; some of that House derived their titles by inheritance, while others only sat for life, and a third class only during one parliament.—It had been stated, as an objection to the bill, that the lower province might oppress the higher, as all the trade of the higher province must come through the lower; that the lower province might enact what duties it pleased, and might harass and oppress the upper to any extent; and that Great Britain could not possibly interfere, consistently with her profession of giving a free constitution to Canada. He conceived that there was a difference between a free constitution and a free and independent constitution. Great Britain had not only the power of enacting laws, which were obligatory on the inhabitants of this country, but she could alter and new model those laws according to the circumstances and exigencies of the times. If the lower province were to oppress the upper, by imposing exorbitant duties, it was competent to this country to hold the balance between the two provinces and to remove the grievance.—Another objection had been taken to this bill, because all the commercial law of England had not been transferred in a lump to Canada. Such a step would have been attended with many inconveniences. In the first place, many parts of the commercial laws of this country did not at all apply to Canada; and even in the city of London, where trade and commerce were better understood than in any nation upon the face of the globe, it was conceived improper to admit common juries at Guildhall, to exercise the rights of juries on mercantile questions, which were always tried by special juries of merchants. If this was so, how much stronger did it apply to the inhabitants of Canada, who were infinitely less acquainted with the commercial law of this country, than any persons in the city of London? If this system, therefore, was to be introduced, it would be attended with the greatest uncertainty and confusion. Another objection that had been stated to this bill was, that it had not rendered the judges independent. This was certainly a circumstance of great importance, and a most desirable object; but, from the present uncertain state of the law in Canada, he thought the appointing judges in the way in which they were appointed in Great Britain would be attended with much more evil than good. In this country no danger could possibly be apprehended from appointing a judge for life, because the laws were so well known, and the bar so enlightened, that if an improper act were to be committed by any judge, it was sure to be detected, exposed, and punished. Although the judges of Canada were not made independent by this bill, as it was at present conceived improper to appoint them but during their good behaviour, yet he conceived the time was very near when this could be done, so as to be productive of the greatest good. Before it could be done, there must be a general system of known laws, and such salaries settled on the judges, as would induce men of real abilities to undertake the office.—His lordship next adverted to the state of the clergy, shewing that it was wished to make a decent and proper maintenance for the Protestant clergy of Canada. He said, the government of Great Britain had been anxious to communicate to Canada a participation of all the blessings of the English constitution, as far as the circumstances of the case would admit. They did not mean to give Canada exactly the same constitution, as for instance, 558 representatives. That was impossible; but their great object had been to adhere as nearly as possible to the purity and principles of the English constitution in every part of the bill.

Lord *Abingdon* gave his hearty assent to the bill, as it was founded on two reasons that very forcibly impressed themselves on his mind: first, that this bill operated as a repeal of two of the most unfortunate acts, to say no worse of them, that ever found their way into the statute books; he meant the acts of the 14th and 16th of the present reign, called the

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Quebec act, and the declaratory act; the first of which laid the foundation-stone of disunion between the North American colonies and this country; and the second riveted that disunion, by attempting to carry into effect the declaration of a right "to bind in all cases whatsoever." The second reason was, that by this bill, this country was restored to its right, not of internal legislation over the colonies, for that right it never had, notwithstanding the pretended omnipotence of the declaratory act, but to its undoubted external right of regulating the commerce of all its dependencies, for the sake of the navigation, and, insomuch, for the safety and general benefit of the whole British empire; a right which, if preserved, America had not been lost; which, if maintained, and not given up to Ireland, as it was, Ireland had not been in the state it had been, in the state he feared eventually it would be.

Lord *Rawdon* was anxious to offer a few remarks on the three principal points, which seemed to those who were best informed on the subject, to be the most exceptionable. These points were, 1. The division of the provinces: 2. The creating of hereditary nobility; and lastly, The independency of the judges to be appointed for Canada. He knew that it was not practicable to introduce the whole of the English laws, either criminal or commercial, at once; but he had no doubt that a knowledge of such parts of them as might be transferred to Canada now, would soon encourage the gradual introduction of more. With regard to the division of Canada, he was not prepared from any thing he had heard, to give it his approbation; on the contrary, in the way proposed by the bill, he thought it would be sacrificing, in some measure, one part of the province to the other; and he was not quite satisfied that there was a power in the crown, to make such a division as that marked out by the bill. The experiment of hereditary nobility, which the bill set forth, he was afraid could not be attended with any good effect, but would rather be a dangerous and unnecessary scheme; for he would ask, of what class those people were, that it was intended to make nobility? Was there, by the existing laws of Canada, any set of men, whose property entitled them to form any sort of a proper, respectable, and useful nobility? He feared there was not; and even if there should be, at this moment, what might be reckoned a sufficient number to form the necessary degree of aristocracy in that province, might it not be a question, whether it was proper to confer hereditary honours upon them, or of what utility that could be to the other inhabitants? The other point was the independency of our judges. Now, as far as he could understand the provisions of the bill, and that clause making the council for life, he could not perceive any one provision tended to make them independent, as the judges in England were. It was not merely because an English judge held his office during good behaviour, that he was independent; the law had wisely provided an allowance of income which enabled him to hold his situation with dignity, and added in an essential manner to his independence. The gentleman whom he had heard was to be appointed governor, was of all others, the fittest for the situation. If Canada was to be governed under the present bill, it would be well for this country, and well for Canada, that colonel Simcoe was the governor.

Lord *Porchester* followed the noble secretary of state through all the clauses of the bill, upon each of which he commented, reserving his amendments, in hopes that they would not be pushed through the committee that night.

Viscount *Stormont* combated the different provisions in the bill.

Lord *Loughborough* stated several forcible objections to the bill, which he was desirous of correcting, without materially altering the clauses.

Lord Grenville agreed to go again into the committee on Wednesday.

Debate in the Lords on the Duration of Mr. Hastings's Trial.] May 31. Lord *King* rose to call the attention of the House to the great length of Mr. Hastings's trial, the hardships that he must have suffered, and the uncertainty of the period when it would be ended. He was aware that objections might be made to the motion he intended to bring forward, on account of the probable duration of Mr. Hastings's defence; but in order to clear up that point, he would read a letter which he had received from Mr. Hastings on that subject. The principal part of the letter was respecting the time he would require to make his defence; which, without meaning to enter into any thing like a compromise, he would limit to fourteen

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days; or, if the House would not agree to that, to seven; being extremely anxious to have the trial finished before parliament was prorogued. His lordship concluded by moving, "That an humble address be presented to his majesty, praying, that he would be graciously pleased not to prorogue parliament until the trial of Warren Hastings, esq. is brought to a conclusion."

Lord *Grenville* said, he must oppose the motion, for many weighty reasons. He considered any such address, as an infringement on the king's prerogative, which the circumstance it referred to by no means warranted. If their lordships were to agree to this address, it could not be attended with the effect intended; and as to the proposition of limiting Mr. Hastings's defence to a certain number of days, it was too absurd to be attended to for a moment; and if it were practicable, would it not be an insult upon the dignity of the House, were they to enter into any such compromise, as that proposed by the noble lord for the prisoner? How did Mr. Hastings know the questions in evidence that his defence might occasion on the part of the Commons, or the delays that their lordships might think necessary in examining and arguing the nature of such questions? Thus much he had mentioned only as to the possibility of the proposal stated by the noble lord; but when he was to speak of the dignity, or, what was of more consequence, the justice of making such a compromise with a prisoner at their bar, so as to oblige him to confine his defence to a certain number of days, he was sure their lordships would shudder at the idea of passing judgment upon a person to whom they had not given an opportunity of defending himself, after having been accused in the most solemn manner.—All this, however, respected their lordships merely; but were the Commons to be left entirely out of the consideration? might not they, by their managers, assert their claim of replying to the defence of Mr. Hastings, and might they not assert their claim to call more evidence in that reply, as well as to comment upon what had formerly been given? Who, then, could have the confidence to say, that the defence or reply would be finished in a certain number of days, weeks, or months?

Earl *Stanhope* said, that the extraordinary doctrine which his noble relation had just laid down, would not permit him to remain silent. Their lordships had been told, what he never would hear with patience, or pass in silence, that they, or the other House of parliament, had not a right to advise the king upon the exercise of any of his prerogatives—a doctrine of the most mischievous tendency, and which ought no sooner to be heard than reprobated. As to the object of the present address, to shorten the trial of Mr. Hastings, he believed every body wished it as much as he did; though, perhaps, all of their lordships had not made it their busines to attend that trial so constantly as he had done, having never been five minutes absent from it. He had asked Mr. Hastings's counsel some days ago, what time the defence would require, and they could not tell him; upon which he certainly had determined to vote against any address for the continuance of the session until it was concluded. Now, however, he had changed his mind, when he heard the noble lord state, from the best authority, that it would only require seven days, if their lordships thought proper not to grant more; from this, therefore, he was inclined to vote for the address, but at the same time he thought it might be so amended, as to be more likely to meet with the concurrence of both sides of the House: the amendment he would propose was, "That the parliament might not be prorogued, until Mr. Hastings had finished his defence."

Lord *Mulgrave* would not go the length of saying, that the House might not address the crown, but he thought it should not do it but upon great and pressing occasions; and, with respect to the duration of the trial, it was very uncertain whether fourteen or seven days would do, since it was impossible for Mr. Hastings to tell what reply the managers would have to make. He denied lord Stanhope's doctrine, so far as respected a right in parliament to control the prerogative of proroguing or dissolving parliament. The three branches of the legislature were happily blended together in such a manner as to give vigour to the whole, and arm it with a sufficient force to resist any innovations which self-created societies of hot-headed individuals might propose to introduce as the rights of men.

Lord *Hawke* agreed that the Houses of parliament had a right to advise, though not to dictate to the crown, and upon such occasions it had been usual, when an address, like the present was presented

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to the throne, to have for answer, that his majesty had received it, and would take it into consideration; and this had generally been accompanied with his desire to proceed in the business to which the address related, with all convenient dispatch. With the leave of the noble lords who had spoken before him, he would move an amendment, to leave out all the words after "That an humble address," and insert other words; so that the motion would stand, thus "That an humble address be presented to his majesty, humbly to state to his majesty, that the Commons having closed their evidence upon the trial of Warrren Hastings, esq. impeached of high crimes and misdemeanors, and this House being desirous to proceed to the hearing of the defence of the said Warren Hastings, this House humbly requests that his majesty will be graciously pleased to take the same into his royal consideration."

Earl Stanhope, and lord King approving of the amendment, withdrew their motions. The amended question being then put,

The Marquis of *Lansdown* said, that in his mind, none of the noble lords who had yet spoken had taken up the business in the proper point of view. The extraordinary doctrine of the noble secretary that the two Houses had no right to advise his majesty on the exercise of his prerogative, to dissolve or prorogue parliament was what few would have made in that House, and what he scarcely, at this time of day, expected to have heard from a minister in his place. If ministers were allowed to come down to the House with such arguments, it was needless for their lordships to meet or deliberate upon any subject of importance to the country; as most matters of importance might be some how or other, connected with the royal prerogative.—As to the impeachment, he was sorry that noble lords seemed to have a great deal too much feeling and consideration for Mr. Hastings, and regretted, that any possibility of bringing the trial to a speedy conclusion would deprive him of making so ample a defence as they wished him to have an opportunity of doing. Now, with all due submission, he thought he might, without any great danger to Mr. Hastings, or the cause of justice, suggest, that if he was content to finish his defence in a given time, he and his counsel might be allowed to know whether such a proceeding was likely to be of service to his cause, or not. At any rate, he could not avoid saying, that by making such a proposal, Mr. Hastings seemed to have a reliance upon his own innocence, which induced him even to trust his defence, such as it might be in the short time he was to make it, not only to their lordships, but open to the reply of the managers. The conduct of those of the present administration, who had supported this impeachment, appeared to him to be inconsistent: since it was notorious, that the very same system of government, for which Mr. Hastings had undergone this long protracted trial, was now pursuing in India, approved by the government there, and sanctioned by the board of control at home.

The question being put, the motion for an address was negatived without a division.

Debate in the Lords on the Roman Catholic Relief Bill.] May 31. The bill "to relieve upon conditions, and under certain restrictions, the persons therein described from certain penalties and disabilities to which Papists, or persons professing the Popish religion, are by law subject," was read a second time. On the motion, that the said bill be committed,

Lord *Rawdon* requested the attention of their lordships to a bill equally important with any that had, for a length of time, been submitted to their deliberative wisdom. He lamented that the House was, on this occasion, deprived of the talents of the great legal character who was accustomed to preside in it, nor was his concern diminished by the consideration that that absence was caused by indisposition. In an age so enlightened as the present, liberality of sentiment was making daily progress; it hastened to embrace every object to which it could attach; and, with respect to political arrangement, these were as various as the different combinations of individuals into which a community could be divided. The safety of the whole was certainly the primary object; it was at once a land mark and a barrier; but when this was provided for, human action and human opinion ought to be free to range. With respect to the general principle of the bill, he thought it would be offering an insult to their lordships' intelligence, to suppose that there could be two sentiments in that House. All must agree,

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that a numerous body of his majesty's subjects had, for a length of time, laboured under the operation of laws that were oppressive and vindictive; and all must agree, that such laws should, by means of a statute, comprehensively liberal, cease to operate. When he considered the spirit of religious bigotry which had, at no great distance of time, raged in almost every corner of Europe, and which had not even yet entirely subsided, he could not but admire the mild spirit of antiquity, which induced the cultivated nations of those times, to seek rather the points of similarity in which their religions agreed, as additional links of social concord, than, wandering in the labyrinths of metaphysics in quest of dissimilarity, to find in theoretical distinctions the seeds of persecution.—With respect to the Roman Catholics who were the objects of this bill, he was free to say, from every degree of acquaintance he had with them, (and it had been extensive), that subjects more loyal, obedient to the laws, and zealous in their attachment to the constitution, were not to be found among any description of men. They were peaceable in their deportment, and exemplary in their conduct. Were such the kind of men whom a wise government would select as objects of resentment? Were such men, with an invidious distinction, to be prescribed from entering the circle of freedom? The vindictive nature of our laws, ever ready to act, like the hair-suspended sword of the tyrant, embittered their every domestic comfort, even in the moment of friendly intercourse. He was free to confess, that there might have been a period when these laws were necessary; but then, what, he asked, was the spirit of the legislature at those periods? The spirit of those laws was to be traced, not to religious but political views. In a contest for power, when parties were nearly balanced, self-preservation might suggest and reason sanction, the adoption of such cautionary laws; but as they originated in exigency, with the exigency they ought to cease. As to any present necessity, they were virtually dead letter. Interested malice and bigotry could, however, still animate them; hence they were objects of abhorrence to reason and philosophy.—Let noble lords consider the present state of the country; let them look abroad, at the relative situation of the Roman Catholic establishment. After such a prospect, would any noble lord come forward and seriously say, that he entertained apprehension of encroachment on our own? Would he not rather, after such a review, find his chief difficulty lie in suppressing that smile of exultation which the idea of conscious superiority excites? We, at present, contemplate the Roman Catholic religion, in this country, as what was once great, and an object of apprehension; but we view it with that tranquil emotion with which we contemplate a ruin!—Of the present church establishment, he wished to be distinctly understood as a decided supporter. In every community the majority had doubtless a right to ascertain the form of public worship. The majority can go even further; they have a right to call upon every individual of that community to contribute to the decorous support of that establishment. But their power stopped here; they had no right to refuse to any portion of that society, however minute, the freedom of paying their homage to the Deity, in the mode most consonant to their consciences; provided that mode was not repugnant to those general invariable principles of decency and morality which were of universal establishment, and was not connected with temporal tenets, dangerous to the civil tranquillity of the country.—His lordship declared, that he approved even the very ample allowance of our ecclesiastical establishment, which had by others been objected to, as vitiating the simplicity of the church. He thought the splendid provision for the bishops an useful incitement to learning and decorous manners in the inferior clergy, as it held forth a suitable reward to exemplary conduct. This also was to be considered as a connected advantage, that the dignity of the station and the seat which it conferred in that House, tended to connect the profession of the church with the great families and permanent actual interests of the country, in a manner which both theory and experience brought forward with united recommendation.—His lordship then observed, that there was a collateral circumstance, which, when considered, would remove the idea of danger arising from any indulgence which we might concede to the Roman Catholics, namely, the peaceable conduct of the Irish Roman Catholics. In that country, the relative population of the two religions was considerably in favour of the Catholics; yet, even under these circumstances, their

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conduct was irreproachable. In England their numbers were as nothing in the scale of proportion. To the present bill, however, much as he might admire its general principle, he could not but have strong and pointed objections, from its being partial in its operation. The words, "the persons therein described," marked, he thought, an unjustifiable restriction in point of extent. And who were the persons thus about to be deprived of the benefit of the act? Some pious well-meaning individuals, who, from scruples, or a tenderness of conscience, deemed some points, in spirituals, essentials, which to us appeared otherwise. Might he not urge those very scruples as a strong claim to their indulgence, as evincing their sincerity, and affording a proof of their detestation of that dangerous doctrine which bigotry had imputed to them, namely, that of mental reservation? Was it for the dignity of a British senate to deny them the advantages of the act, by entering into a controversy of theologic scruples with some recluse, sequestered characters, whose acceptation of words probably differed from that of common life? At all events, he would not, at present, dwell on the point. When the bill went to a committee, amendments, safe and salutary, might be suggested and adopted.

The Archbishop of *Canterbury* expressed his concurrence with the noble lord, in approving the bill as to its general principle, but thought it his duty to state in what respects it was imperfect and erroneous. In the first place, the oath very naturally presented itself to observation; and to that there was one obvious objection, that, though it denied the infallibility of the pope, except in matters of spiritual doctrine, it was certainly clear, that whoever was admitted to be infallible in points of doctrine, was admitted to be infallible in declaring what was doctrine; so that the restriction, which was intended as to the influence of the Pope in temporal matters, might be overcome, if he himself chose to declare that such matters were not temporal, but spiritual. He did not condemn the principle of the bill, so far as it went to emancipate the Roman Catholics from the penalties of those obsolete laws which remained in force against them. They had proved themselves worthy of every indulgence which the government of this country could give them: but in giving them that indulgence, great care should be taken that acts of parliament were not repealed, which, by such repeal, might render null and void several wholesome regulations respecting the Protestant religion. Among these was the one respecting schools for the instruction of children. The clause respecting this, was, he said, a nugatory one; for it first enacted, that no ecclesiastic, or person professing the Popish religion, who subscribed the oath, should be prosecuted for instructing youth in the Popish religion: and then it provides, that nothing in the act shall extend to persons who keep a college for the education of youth. This was a kind, he would not say of subterfuge, but mistake; for he was not such a bigot as to blame any man for training up his child in that way which his own conscience pointed out to be the best. He was happy to find the age so enlightened, that, by the present bill, which came from a most enlightened and respectable body of Roman Catholics, heretics were no longer denied salvation by the church of Rome; and that, excepting a few bigots, who were chained by Monkish persuasion, the Roman Catholic religion was rising into a generous freedom of religious ideas, that did honour to christianity, and to the true principles of the gospel. His grace, however, thought that there was more in the present bill, than it would be in the power of their lordships to discuss in the present session. There were a variety of alterations to be made in several of the clauses; alterations which all parties declared to be requisite: but if noble lords thought they would be able to accomplish this in the committee, he had no objection to the bill going into that state of progress.

The Bishop of *St. David's* [Dr. Horsley] spoke to the following effect:

My lords; With great charity for the Roman Catholics, with a perfect abhorrence of the penal laws, I have my doubts whether the bill for their relief that has been sent up to us from the Lower House comes in a shape fit to be sent to a committee. My lords, it is not my intention to make any express motion to obstruct the commitment of it, if I should perceive that measure to be the sense and inclination of the House; but I have my doubts, which I think it my duty to submit to your lordships' consideration. Fixed as I am in the persuasion that religion is the only solid foundation of civil society, and by consequence that an establishment of re-

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ligion is an essential branch of every well-constructed polity, I am equally fixed in another principle, that it is a duty which the great law of Christian charity imposes on the Christian magistrate, to tolerate Christians of every denomination separated from the established church by conscientious scruples; with the exception of such sects only, if any such there be, which hold principles so subversive of civil government in general, or so hostile to the particular constitution under which they live, as to render the extermination of such sects an object of just policy. My lords, I have no scruple to say, that the opinions which separate the Roman Catholics of the present day from the communion of the church of England are not of that dangerous complexion. Times, it is too well known, have been, when the towering ambition of the Roman clergy, and the tame superstition of the people, rendered the hierarchy the rival of the civil government—the triple mitre the terror of the crown, in every state in Christendom. The reformation in this country (as it took its rise not in any controversies upon speculative doctrines, but in a high-spirited monarch's manly renunciation of the pope's usurped authority—in the claim of the original absolute exemption of the church, no less than of the state of this kingdom, from all subordination to the see of Rome) excited a spirit of intrigue among the adherents of the papacy against the internal government, which rendered every Roman Catholic, in proportion as he was conscientiously attached to the interests of his church, a disaffected or at the best a suspected subject. The Revolution widened the breach, by the natural attachment of the sect to the abdicated family, which had always favoured it. Happily for this country, and for the peace of mankind, those times are past. My lords, it is now universally understood, that the extravagant claims of the church to a paramount authority over the state, in secular matters, stand confuted by the very first principle of the original charter of her institution—by the early edict of her divine and holy founder, "that his kingdom is not of this world." The ambition of the Roman Pontiff, by the reduction of his power and his fortunes, is become contemptible and ridiculous in the eyes of his own party; and the extinction of the Stuart family leaves the Roman Catholics of this country no choice but the alternative of continuing in the condition of aliens in their native land, or of bringing themselves under the protection of her laws, by peaceable submission and loyal attachment to the existing government. My lords, in these circumstances—in this state of opinions, in this reduced condition of the pope's importance in the political world, in the actual state of the interests of the Roman Catholics of this country,—I persuade myself that the long-wished-for season for the abolition of the penal laws is come. Emancipated from the prejudices which once carried them away, the Roman Catholics are led by the genuine principles of their religion to inoffensive conduct, to dutiful submission and cordial loyalty. My lords, the Roman Catholics better understand than the thing seems to be understood by many of those who call themselves our Protestant brethren, in what plain characters the injunction of the unreserved submission of the individual to the government under which he is born is written in the divine law of the gospel.

My lords, with all this charity for Roman Catholics, with these sentiments of the inexpediency of the penal laws, I must still disapprove of the bill which is now offered for a second reading. Your lordships must perceive that, consistently with the sentiments which I avow, I cannot quarrel with the bill for the relief it gives: No, my lords,—the noble lord who moved the second reading has himself opened the grounds of my objections. My lords, I object to the bill that it is insufficient to its own purpose; my lords, I quarrel with the bill for the partiality of its operation. With the indulgence of your lordships I will endeavour to explain from what circumstances in the fabric of the bill this defect arises; I will set forth the importance of the objection; and then I will trouble your lordships with the reasons of my apprehension that this objection is not likely to be done away by any amendments which we can give the bill in the committee. My lords, this bill is to relieve Roman Catholics from the penal laws, under the condition that they take an oath of allegiance, abjuration, and declaration; the terms of which oath the bill prescribes. The bill therefore will relieve such Roman Catholics as take this oath, and none else. Now, my lords, it is, I believe, a well-known fact, that a very great number—I believe I should be correct if I were to say a very great majority of the Roman Catholics scruple the

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terms in which this oath is unfortunately drawn, and declare they cannot bring themselves to take it. With the permission of the House, I will enter a little into the detail of their objections. Not that I mean to go at present into a discussion upon all the imperfections of the oath: I concur in every one of the objections made by the most reverend metropolitan; but I shall not touch upon these objections, because they have been ably stated, and because they are not to the purpose of my argument. It is my point to state the objections of scrupulous Roman Catholics. My lords, the majority of the Roman Catholics who scruple this oath are not Papists in the opprobrious sense of the word—they are not the pope's courtiers, more than the gentlemen of the Roman Catholic committee, who are ready to accept the oath. My lords the more scrupulous Roman Catholics, who object to the terms of this oath, are ready to swear allegiance to the king,—they are ready to abjure the pretender,—to renounce the pope's authority in civil and temporal matters,—they are ready to renounce the doctrine that faith is not to be kept with heretics, and that persons may be murdered under the pretence that they are heretics, as impious and unchristian,—they are ready to renounce, as impious and unchristian, the doctrine that princes excommunicated by the see of Rome may be murdered by their subjects,—they are ready to renounce the doctrine that princes excommunicated by the see of Rome may be deposed by their subjects; but to this deposing doctrine they scruple to apply the epithets of impious, unchristian, and damnable. My lords, they think that this doctrine is rather to be called false than impious—traitorous than unchristian; they say that the language of an oath should not be adorned, figured, and amplified,—but plain, simple, and precise. But in truth, this scruple is founded on a tender regard for the memory of their progenitors. Some two centuries since, this error, however absurd and malignant was, like other absurd and malignant errors, universal. Yet, there lived in those times many men of distinguished piety and virtue, who acquiesced in this error as a speculative doctrine, though they never acted upon it. My lords, the more scrupulous of the Roman Catholics think it hard that men of probity and virtue, entertaining a speculative error sanctioned by its universality, upon which they never acted, should, for that error in mere speculation, be stigmatized as devoid of piety, as no Christians, and as persons that died under a sentence of eternal damnation. And certainly, my lords, the reprobation of this doctrine, under the qualifications of impious, unchristian, and damnable, goes to this effect. My lords, I beseech you to give a candid attention to this scruple, as I am confident your lordships will to every scruple. I enter into this detail from a desire of impressing on your lordships' minds what it very strongly impressed on mine,—that the objections of these men are not cavils, but fair, honest, conscientious scruples. My lords, this scruple is analagous to that which every liberal enlightened man would feel if he were called upon to decide upon that which has sometimes been decided upon with little ceremony,—upon the final doom of virtuous heathens—of men who, with a sense of moral obligation, and with sentiments of piety towards the Creator of the universe, which might have done no discredit to the professors of christianity, nevertheless, from the force of example and education, acquiesced in the popular idolatry of their times. My lords, I believe your lordships all believe that there is no name under heaven by which men may be saved but the name of Jesus Christ: nevertheless, I should be very unwilling to assert—my lords, I would refuse to swear, that it is matter of my belief that such men as Socrates, Plato, Tully, Seneca, and Marcus Antoninus, who were every one of them idolaters, are now suffering in the place of torment, and are doomed to suffer there to all eternity. My lords, upon this point I concur in the sentiments of a great ornament of the Roman church, who might have been an ornament to the purest church in the most enlightened times: "Ubi nunc anima Marci Tullii agat, fortasse non est humani judicii pronuntiare! me certe, non admodum aversum habituri sint in ferendis calculis, qui sperant illum apud Superos summâ pace frui." My lords, will not your lordships permit the Roman Catholics to have the same tenderness for the memory of Bellarmine and Erasmus which your lordships would feel for that of virtuous heathens?

My lords, the terms in which the pope's civil authority is renounced are matter of scruple to that division of the Roman Catholics which I consider as the majority. My lords, they are ready to renounce the

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civil authority of the pope; but they think that the words used in the oath go to the denial of the pope's spiritual authority, which they cannot conscientiously abjure. The terms of the oath, my lords, are these: "I do also, in my conscience, declare and solemnly swear,—that no foreign church, prelate, or priest, or assembly of priests, or ecclesiastical power whatsoever, hath, or ought to have, any jurisdiction or authority whatsoever within this realm, that can directly or indirectly affect or interfere with the independence, sovereignty, laws, constitution, or government thereof, or the rights, liberties, persons, or properties of the people of the said realm, or any of them." The power therefore abjured, is all ecclesiastical power which can directly or indirectly interfere with the sovereignty, constitution, or government—with public or with private rights. My lords, these scrupulous Catholics think that this description comprehends the pope's spiritual authority; for they say, that they must admit that the pope's spiritual authority does, indirectly, by inference and implication, interfere with civil government and with civil rights. My lords, is it not manifest that the pope's supremacy, indirectly and in speculation, interferes with the sovereignty—with the king's supremacy as head of the church? With the constitution the pope's supremacy indirectly interferes, in a part which I believe your lordships hold in some regard. It is a consequence from the doctrine of the pope's supremacy, that no consecrations and ordinations are valid but what emanate from the authority of the see of Rome. If this be the case, the bishops of the church of England are no bishops; If we are no bishops, we have no right to sit in this assembly with your lordships; I have no right to be now holding this argument before your lordships. My lords, is not this an interference—indirectly, I grant—but indirectly is it not an interference with the constitution? My lords, if we are no bishops, it is a farther consequence, that no man is made a priest by virtue of our ordinations. No priest of ours, therefore, has any just right to any temporalities that he may hold of such a nature as to attach exclusively to the priestly character. Is not this an interference with the rights of the subject? My lords, these are striking instances that occur at the moment; many other instances might be found, in which the pope's spiritual supremacy unquestionably interferes, indirectly, with civil authority and civil rights. And the most that can be expected of conscientious Roman Catholics is, not that they should renounce all authority carrying this interference, for that were to renounce the pope as their spiritual head: but that they should bind themselves to government, that they will never act upon these principles, which in theory they cannot renounce,—that whatever they may think, as a matter of opinion, about the pope's supremacy, they will never in fact make an attack, or commit any act of hostility, against the constitution and the government in either branch: but on the contrary, will defend it. And these engagements, my lords, those Roman Catholics who scruple this oath are ready and desirous to give in the most explicit and unequivocal terms. They say, that they think themselves "bound by an oath which they have already taken, and that they are ready to strengthen the obligation by a new oath, to defend to the utmost of their power the civil and ecclesiastical establishment of the country, even though all the Catholic powers in Europe, with the pope himself at their head, were to levy war against the king for the express purpose of establishing the Roman Catholic religion." My lords, there are other points in this oath, which Roman Catholics, I think, must scruple: I believe the gentlemen of the Catholic committee, who declare themselves ready to take this oath, will see some difficulty in particular parts of it, when they consider the full import of certain terms. But, my lords, I shall go no farther at present in this detail; I will only say, in general, that there are parts of the oath which I myself would refuse to take.

My lords, I must observe, that the gentlemen of the Catholic committee, and the party that acts with them, who scruple no part of this oath, declare that they, equally with the scrupulous party, maintain the pope's spiritual supremacy:—they are shocked that the denial of it should be imputed to them. Your lordships therefore perceive, that the two parties are perfectly equal, in the degree of affection, or disaffection, take it which way you will, that they bear to the government of the country. Therefore I cannot see upon what principle a relief which is granted to the one should be denied to the other. It may be said, this re-

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lief is a matter not of right, but of mere grace and favour; and that the person who confers a favour may at his own will and pleasure prescribe the conditions on which he will bestow it: but, my lords, the favours of a government are surely to be dispensed by some rule of distribution: and that rule ought to be an equal one; it ought not to be a rule of arbitary election and reprobation, making a distinction of persons where there is no difference of character in the degree of civil merit.

My Lords, I have heard it said, not in this House, but out of doors it is a maxim in common circulation, that the legislature has nothing to do with the disputes of these people among themselves,—that it may be rather an object of good policy to promote and increase their divisions, as it may be a means of weakening the strength of the party. My Lords, the maxim *divide et impera*, if it be ever wise, is wise only in despotical governments. My lords, if it be wise in such governments, it is because such governments are radically unjust,—the relation of the governor and the governed to each other being that of enemies; but, in governments such as this under which we have the happiness to live, it is a wicked maxim. In our constitution, the promoting of the happiness of the governed is not only the duty but it is the actual object of government, and the aim of all its operations and of all its measures. In such a government, union and harmony among citizens of all descriptions is to be desired; and it should be the endeavour of the government to promote it, as the means of binding the love and affections of all to the constitution.—But, my lords, admitting for a moment that we have nothing to do with the disputes of these people among themselves, yet your lordships surely have to do with the justice and equity of your own proceedings. Now, consider, my lords, upon what principle were the penal laws against the Roman Catholics first introduced?—Certainly upon this principle, that the Roman Catholics in general were disaffected subjects. Upon what principle would the legislature now relieve any Roman Catholics from those laws? Certainly, upon this principle, that the legislature acquits those to whom it extends the relief of the crime and suspicion of disaffection. Upon what principle is the relief which is extended to some withheld from others?—Certainly upon no just principle but this, that those others still lie, in the eye of the legislature, under a suspicion of disaffection. Thus by passing a law which will give only a partial relief, you will impress a stigma of disaffection upon the party not relieved; which in my judgment, if there be no ground for suspecting them, would be the height of cruelty and injustice.

But, my lords, give me leave to say, that though your lordships would indeed have nothing to do with any disputes among the Roman Catholics upon controverted points of their own divinity, the matter and the state of the present dispute are such, that your lordships have much to do with it in forming a judgment upon the present bill. The matter in dispute is the propriety of the oath as it stands in this bill; which oath the one party is ready to accept,—the other reprobates. The dispute began in terms of mutual respect and great moderation; but as the dispute went on, both sides, as is the case in all disputes, grew warmer: both sides have now lost all temper; and the quarrel, a religious quarrel, my lords, is raging. The scrupulous Catholics speak of the writings on the other side as schismatical, scandalous, and inflammatory. The Catholic committee charge the former with inculcating principles hostile to society and government, and to the constitution and laws of the British. My lords, these reproaches are, I think, unmerited on either side; but they are for that reason the stronger symptoms of intemperate heat on both sides. My lords, this bill, should it pass into a law, will not mitigate the quarrel, but inflame it; and as it reenacts the penal laws against all those who from their scruples about the oath cannot bring themselves within the benefit of it, the Roman Catholics who will be relieved by this bill will be empowered to inforce those laws against their more scrupulous brethren, with whom they are quarrelling. My lords, the history of the church too clearly proves, that men whose minds are inflamed with religious controversy are not to be trusted with such weapons. My lords, when I look at the names of the gentlemen who compose the Catholic committee,—men of high birth, of distinguished probity and honour,—I cannot for a moment suppose that any of them would pursue the quarrel with their adversaries in that base manner: but, my lords, the leaders of a party cannot always command the passions of their followers; and your lordships will have

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no security that this may not be done, but the liberality and honour of the individuals: and is it wise or just, my lords, to put any innocent man in the power of his enemy, relying only on the good disposition of that enemy to restrain him from the abuse of that power which you put into his hands? My lords, if the party relieved by this bill should take the advantage which the law will give them against the other party, a horrible persecution will arise. My lords, I shudder at the scene of terror and confusion which my imagination sets before me, when, under the operation of this partial law, should it unfortunately receive your lordships' sanction, miscreants of base informers may be enriched with the fortunes, our gaols may be crowded with the persons, and our streets may stream with the blood, of conscientious men and of good subjects! And of all this cruelty, my lords, if it should take place, the laws of the country will get the credit.

My lords, I am aware that it may seem to your lordships that there is an easy answer to all this,—send the bill to a committee, and amend the oath. My lords, there is the difficulty; I fear that we are not competent to make such amendments in the oath as may obviate the mischief. My lords, look at the state of the controversy among the Roman Catholics. Three of the four Roman Catholic bishops, who call themselves the apostolical vicars for the four districts of this country—three out of these four have promulgated an encyclical letter, in which they reprobate the oath as it stands in the present bill; and they go farther,—they advance this principle, that a conscientious Catholic ought not to take any oath declaratory of any opinion upon doctrinal points till it has received the approbation of the ecclesiastical superiors. The gentlemen of the Catholic committee exclaim against this as an extravagant stretch of authority;—I confess, my lords, I see no extravagance in it; I believe, were I a Roman Catholic, I should think it my duty to submit to it;—but the Catholic committee are indignant under this usurpation of authority, as they think it, of the apostolical vicars; and a paper has appeared, signed by the gentlemen of the committee, which I know not very well what to call: my lords, it looks something like an appeal to the pope; and yet I can hardly suppose that an appeal to him has been actually made, or that this is a copy of a paper sent as a formal appeal to Rome. But the committee say—"We appeal to all the Catholic churches in the universe, and especially to the first of all Catholic churches, the apostolical see, rightly informed." My lords, if this is an appeal to the see of Rome, or if it be a notice of an intended appeal,—and, my lords, it must be something,—it should seem that the legislature cannot stir a step farther: for it would be perfectly nugatory to pass a law to give relief upon the condition of an oath, when the persons to whom the relief is offered are divided into two parties, one of which say "We cannot take this oath,"—the other say, "We must go to Rome, and ask the pope, whether, under the circumstance of the interdict of the ecclesiastical superiors, we may take the oath or no." And, my lords, suppose you amend the oath, what assurance can your lordships have that the apostolical vicars will approve the oath as amended by your lordships? If they should not approve it, the more scrupulous Roman Catholics will not take it. My lords, the remedy for this seems to me to be unique: the remedy would be, to find an oath which may be sufficient for the security of government, and which the majority of the Roman Catholics have already taken, and the apostolical vicars having themselves taken it, must approve. Such, my lords, is the oath which was required of the Roman Catholics by the law of 1778; and I am very sorry that that oath was not adopted in this bill: but, from what I have heard, I have much doubt whether, if we go into a committee, we shall be unanimous upon a motion for substituting that oath instead of the oath that now stands in the bill: and for this reason, my lords, I fear the bill is incurable.*

My lords, I have detained you much longer than I thought to have done. It only remains that I thank your lordships for the patient attention with which I

* In this apprehension the bishop had the pleasure to find himself mistaken. In the committee of the whole House upon the bill on the 3rd of June the oath, as it stood, was upon the bishop's own motion expunged, and the oath taken by the Roman Catholics in Ireland in the year 1774, with some very slight alteration, substituted. The Irish oath is in effect, the same with the oath of 1778; and of the two, is drawn with the greater accuracy.

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have been honoured; and that I make it my request, that any expressions that may have escaped me, in the course of a speech in point of language in many parts quite unpremeditated, may be candidly interpreted. My lords, what most of all I deprecate is, that I may not be suspected of insincerity in my professions of an abhorrence of the penal laws,—that my objecting to the commitment of this bill may not be deemed a stratagem of mine to get rid of the business altogether, and disappoint the petitioners at your lordships' bar in their just expectations of relief. My lords, I call the Great Searcher of hearts to witness, that there is no such duplicity, no such malice, in my intention. My lords, if your lordships should be moved, by what has been said by me, or what may be said with more ability by others to the same effect, to reject this bill,—rather than that the Roman Catholics should be finally unrelieved, I would pledge myself to your lordships, to the Roman Catholics, and to my country, to bring in a bill, early in the next session, which should not be pregnant with the mischiefs which seem to me the certain consequences of this bill. But I should hope, that your lordships would not leave a matter of such moment to the discretion and abilities of any individual lord; but that your lordships will think proper to name a committee, to revise all the subsisting laws against the Roman Catholics, and to frame a bill for the repeal of such as may with safety be repealed. The only objection that I can see to such a measure is the delay,—for it is much too late in the session to begin such a business. But, my lords, in a matter of this magnitude and importance, the legislature should think little of the delay of a few months; nor ought the Roman Catholics themselves to murmur at a delay which may conduce to put the relief they solicit upon a broad and permanent basis.

Lord *Abingdon* said, the subject matter of the present bill was so immediately within the province of one description of lords only in that House, it so peculiarly belonged to their consideration, and was so fitly and rightly placed in their hands, that what he had to say was merely to express his hopes and expectations, that the bill would come out of the hands of those noble lords as full of toleration, as might be consistent with the safety of the established church of this country, and insomuch with the safety of the state; and more and other than this (being himself no levelling lord) he neither hoped for nor expected, though perhaps other noble lords, one at least, might be of a different opinion. There was, however, one remark he would make, and which was this, that being bred up in the old school, and not belonging to the new one, nor having as yet imbibed, nor never should, the tenets or doctrines, political or religious, which these *novi homines* in this enlightened age, had so speculatively introduced for the practical subversion of society, it would seem to him, that the idea of a Protesting Catholic dissenter, for so they call themselves, and in fact are so, although not so named in the present bill, was an idea so existing in idea only, so novel in its institution, so fundamentally repugnant to the avowed and established faith and practice of that church, and in short, such a solecism in terms, that how such a stumbling block *in limine* was to be got rid of, he knew not: and got rid of it must be, before any one step could be taken in advance of the object of the bill; for to say that a Catholic (and here he must observe, too, that these dissenters were no longer to be called Roman Catholics, but that the word "Roman," in order, he supposed, to shorten the phrase, or perhaps more intentionally to make room for the doctrine, was, as it were, by the figure of ellipsis to be cut off) was to continue in the belief of the infallibility of the pope in spiritual matters, as they profess to do, and were not to continue in the belief of the infallibility of the pope in temporal matters, as they profess now not to do, was to say—what? It was to say, his lordship said, certainly that which was never professed before; but it was to say more, it was to reason rationally, if he might so speak, upon an irrational topic; for to tell him, that a man could open his mind to the belief of infallibility in the one instance, and shut his mind to the belief of infallibility in the other, was to say that which his faith at best could not lead him to believe: but if it was so, then, said he, *addio al papa!* for where half is gone, the rest will follow; and therefore, his advice was, that if these Protesting Catholic Dissenters have thought fit so far to quit their papa, they might as well, in imitation of a noble duke of that House, and of other illustrious examples, take at once to our mamma; or, in other words, if they have been induced so far

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to overleap the pale of their father church, they might as well jump within the pale of our mother church, where like the sinner that repenteth, there will be more joy in them, than over ninety and nine just persons that need no repentance: where equal taxes, equal laws, equal loaves and fishes, will be all equally theirs, and where too, perhaps, they may find themselves not one jot farther from Heaven than they were before. Upon the whole then, his communion upon this bill should be with the noble lords and the right reverend prelates upon the bench, and he should certainly vote for it (for *tua res agitur*) in whatever shape it should come out of their hands.

Earl *Stanhope* said, that when the petitioners were asking to be freed from the injustice and oppression of those sanguinary penal laws that were a disgrace to our statute books, they were not merely asking a boon, but claiming what they were entitled to by the rights of men, and the rights of citizens. He spoke highly of the Roman Catholics in this kingdom, and observed, that the right which every man possessed of worshipping God in his own way, and agreeable to the dictates of his own conscience, we could not alienate from him, he could not alienate it from himself. He hoped no man would say, that a wretch at the gallows, with the halter about his neck, had not a right to call upon his maker in any way that his conscience told him was right. As well might we pretend to regulate the internal government of Japan or China, as to regulate the internal government of men's consciences; the one was not more remote from our power of control than the other. He thought the bill should go into a committee, and there receive such amendments as might be considered necessary; and concluded with thanking the learned prelates, who seemed to give the principle of the bill that support which their wisdom and good sense told them it merited.

The Duke of *Leeds* said, he was a hearty friend to the bill, convinced, from his personal acquaintance with those who were the objects of it, that they merited all the redress which was meant to be given to them. From what he had read on this subject, he could not but think that the prelates were right in their dispute with the Catholic committee. He wished, however, to remove the differences respecting the oath, by introducing a form which had already been adopted. He did not dislike, for this purpose, the oath of 1778; but he preferred that which had been taken by the Irish Roman Catholics. He thought however, that it should be very fully discussed; and was rather inclined to think, that it would be more for the interest of the Catholics in general, if this bill was postponed till next session, when there would be time to frame such a bill as would meet with no objection from any part of the House; but he would make no motion, unless he thought the sense of the House was with him.

The Bishop of *Peterborough* said, that the conduct of the Catholics was produced as a proof of their principles, of which it, in his opinion, formed no criterion. He said, that the danger of the measure which the House was about to adopt, should admonish them to caution. He hoped that a clause would be inserted to prevent the keepers of Catholic seminaries from attempting to convert the children of Protestant parents.

Lord *Fauconberg* said a few words in favour of the bill, and wished it to go into a committee.

Lord *Loughborough* allowed that there was much weight in the different objections stated, but still thought that the bill might be so amended as to give general satisfaction. He warned their lordships against delaying it till another session.

The Marquis of *Lansdown* thanked the bench of prelates for their concurrence in the general opinion, and said, that he had always supported upon the same grounds, the Protestant dissenters, and the repeal of the test act, as a matter of right to them. He owned his opinion as to Catholics had been very different: their claim, if they had any, was an indulgence not a right; but, from a strict observanee of their change of character and system in every part of the world, he was now inclined to think them a harmless people, who deserved the same indulgence, and had the same right as other sects to protection and toleration. On the subject of toleration, he had but one opinion or principle, and it was, that all religions ought to be tolerated under a free government, unless where the exercise of those religions was dangerous to the state.

The Bishop of *Salisbury* spoke for the bill, but thought there were many clauses that required to be fully discussed.

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Lord *Grenville* was desirous of going into the committee, and then the amendments suggested by the noble lords might be made with propriety and effect. He recommended this course, and thought it very possible that the bill might be so amended as to meet all the objections which had been stated.

The bill was ordered to be committed on the 3rd of June.

Cecil's Divorce Bill.] June 2. On the report of the bill to divorce Mr. Cecil from his present lady, and to enable him to marry again, being brought up,

Mr. *Baker* said, that the attention of the House ought to be directed not to this particular case only, but to cases of the sort in general. In this instance the lady had brought to the husband a fortune of several thousand pounds a year, and he thought a provision should be made for her, that should secure her from indigence: for whatever might have been her fault, she was the object of the attention of those who voted for a bill that took from her the handsome fortune which she brought into the family from which she was now to be separated.

Mr. *Fox* thought the attention of parliament should be had to subjects of this kind more than was generally the practice, for he was ready to confess that too little attention was generally paid to ladies in this unhappy situation. He observed that if a wife behaved ill, the husband had, by the law of this country, a mode of separating from her by a divorce in the ecclesiastical court. That was a divorce from bed and board—a legal separation. But in that case he was bound to provide for her support; and he really wished that some rule should be laid down by that House in that respect, to make a provision at all events for the lady in those cases. A divorce by parliament was not part of the law of this country; it was only the equitable interposition of the legislature to afford relief in an extraordinary manner to a person under a disagreeable situation. And as by law a man was bound to maintain his wife after a legal separation, he saw no reason why the same rule should not, in that respect, be laid down with regard to the interference of parliament. It was neither consistent with justice nor humanity, that a lady should be neglected, and reduced to want, because she was divorced by parliament.

The report was agreed to.

Debate on Mr. Grey's Motion for Information relative to the Cause of the present Armament.] June 2. Mr. *Grey* rose to make his promised motion. It was by no means his intention, he said, to go into the particulars of an event that had been so fully discussed by one side of the House, and so repeatedly evaded by the other. The king's ministers seemed to wrap themselves up in a sullen silence that clearly convinced every rational man that they were either prosecuting a system which they dared not avow, or pursuing schemes which they could not explain. They wished to avoid all possible explanation, relying on the events, which time might bring forth; and that their fortune, rather than their wisdom and good conduct, might furnish them with protection from the effect of measures, for which, at the time they were first adopted, they could give no possible justification or excuse. But it was not his intention to go into that topic, nor should he revert to the arguments which had been urged on that side of the House, against that novel and unconstitutional doctrine of confidence, which was every day carried to a greater height. He was perfectly willing to urge the motion he was going to make on the grounds which his majesty's ministers themselves had taken in the confidence of that House. The executive government asked for the confidence of the House to enable them to provide for the security and defence of the country, without unseasonable inquiries into their conduct. It was in truth and in fact, for that House to give out of their hands that control which the constitution had given them over the king's ministers, and to put it in the power of the executive government to declare that they would carry on a war without the assistance of parliament. The country was in a singular situation: they were still in a state of preparation for war, after two months had elapsed, since his majesty's message had been sent to that House, calling on them to make good the expenses of the preparation. He happened at that time to be in a respectable minority, who thought that the House ought to have been in possession of certain information before they voted the supplies, and that the vote of credit ought only to have gone to a limited sum. The House, however, thought otherwise, and gave his

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majesty an indefinite promise of support as to any preparations which he might think necessary. It was not for him to arraign the motives of the persons who had proposed the measure to the House, or the decision of the House itself. He only wished to state the facts and the principle on which he conceived the House came to that resolution. He considered it to be this, that it was proper and constitutional to entrust ministers with the means of providing for the exigencies of the country. But at the same time that this was stated, he believed there was scarcely a gentleman who maintained that doctrine, who did not admit, that should actual hostilities become necessary, it was the right and duty of the House to inquire into the justice, policy, and wisdom of the measure, before they could give their consent to involve the country in all the horrors of war.—The object of the motion he was about to make would assert the rights of the House of Commons: a right not to be disputed; a right not to be defeated by new-fashioned doctrines of confidence or prerogative; a right which the king's ministers themselves had asserted in their arguments, and which he then called upon them to assert in their practice: a right in that House to inquire into the justice, wisdom, and policy of this war, before they involved the country in farther expense. What had been the conduct of ministers for the last ten days? There had been an indecent hurry in carrying through business. What was the reason that the last page of their order book was so crowded, that they could scarcely read the orders of the day? There was business after business, and the House had sat almost till 12 o'clock at night for the last ten days. This way of doing business might be very convenient to ministers, but what was convenient to them, was disadvantageous to the public, and he hoped they would not be able to carry their designs into effect. They ought to call on his majesty to consider well whether this war was proper and expedient. He hoped, after having given an indefinite vote, by which his majesty's ministers might involve the country in a war the moment after parliament was prorogued, that they themselves would seriously consider the subject. The vote they had given pledged them to make good the expense of any preparation. Was their vote given for the purpose of negociation only; or was it a vote which, if that negociation was unsuccessful, was to enable ministers to carry on a war? If the vote was merely to enable administration to carry on an armed negociation, in what situation would they find themselves, if that negociation should turn out to be unsuccessful? Would they justify themselves in assembling parliament to grant a fresh supply? He only wished to put it to the candour of gentlemen, and of ministers, whether, if sitting a short time longer would enable them to know the success or failure of the negociation, they ought not to continue to sit till that event was known? The country was engaged in an armed negociation for the purpose of obtaining certain objects which they knew not. If those objects were withheld, he supposed the armament would insist on them by force; and if such were the case, that House had a right to information, before they consented that the country should be involved in a war. On that ground, he said he should move,

"That an humble address be presented to his majesty, to express the deep concern his faithful Commons felt at being called upon for a promise to make good the expense of new preparations for war, after having been so recently obliged to impose on their constituents additional taxes on account of the late armament against Spain; humbly to represent to his majesty, that, in the answer which they gave to his majesty's most gracious message, his faithful Commons acted on a firm reliance that his majesty's paternal care and regard for the welfare of his people, would not suffer him, by a causeless interference in the disputes of other countries, to endanger the peace and tranquillity of this: that no inquiry was made into the particular circumstances which had induced his majesty to arm, and a promise of support was given, as indefinite as the object for which it was demanded: that since that period two months have elapsed, the preparations for war are still continued—the expense, for which his majesty's faithful Commons must hereafter provide, is daily increasing—no information as to its cause or object has yet been given; and, if parliament should now be prorogued, his majesty's faithful Commons will be placed in the disagreeable, and hitherto unprecedented, situation of returning to their constituents, after having by a vote of this House subjected them, to new burthens, the extent of which they cannot limit, and the jus-

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tice or necessity of which they cannot explain; for these reasons, and others which the circumstances of the times may suggest, his majesty's faithful Commons humbly implore his majesty not to prorogue the parliament, till his majesty shall have it in his power to communicate to them some distinct information relative to the cause of the present armament: in order that, if actual hostilities should take place, and it should be necessary for his majesty to incur any farther expense, his faithful Commons may have an opportunity of exercising their hitherto undisputed privilege, and discharging their most important duty, in considering the extent and propriety of the same; as well as of assisting his majesty, by their advice, to form a just judgment both as to the expediency of past measures, and the policy of future councils; and they humbly beg leave to assure his majesty, that they will chearfully forego the private benefits and comforts of an early recess, to fulfil a duty highly necessary to the public satisfaction, and of the utmost importance to the policy, if not to the salvation of the state."

Mr. *Bragge* said, that he did not wish to advert to privileges that certainly belonged to the House, but considering the discussion to be an excrescence of former debates, he rose to support the consistency of the House; and he did not think it would be necessary to take up much of the time of the House, to persuade them to preserve their own consistency in resisting the motion. A similar motion though introduced with a view to a different object, had been lately before them, and the House had thought proper to reject it without a division. In so doing he thought the House had acted with propriety, because it would have been to have advised the king to let the exercise of his undoubted prerogative depend altogether upon the will of a prisoner upon trial before parliament, as Mr. Hastings might have made his defence long or short as he had thought proper. Having therefore rejected that motion, consistency required that they should reject the present; since the event, for the arrival of which the address prayed his majesty to suspend the exercise of his prerogative, was perfectly uncertain and indefinite. But, it was not merely on the ground of consistency that he rested his argument against the motion; he had no objection to examine the motion itself, and try it by its merits. The hon. gentleman had complained of the order book being crowded, but he forgot that so many questions similar to that under discussion had of late been agitated, and that if those questions had not been brought forward, the book probably would not have been so crowded. The substance of the address then moved was, to desire his majesty not to prorogue parliament till he should have it in his power to communicate the event of the present negociation. He thought it was the undoubted privilege of the House to interfere with his majesty's prerogative, so far as to advise him as to the exercise of it, in respect to the proroguing of parliament; yet it must be admitted that such a privilege ought never to be enforced by the House, but in matters of great importance, and when it could be done with precision. In the present instance it was easy to prove that it was not a case of that description; and first, with regard to precision, the termination of the negociation was a matter which his majesty had it not in his power to answer for, because it depended not only upon his majesty, but upon almost all the crowned heads in Europe. With regard to the great importance of the case, certainly going to war was a very important matter, but still its importance did not press so peculiarly as to warrant the motion. No one doubted that it was the prerogative of his majesty to engage this country in war, but as yet it was not clear that the present negociation would end in hostilities; on the contrary, there was reason to believe that it would be brought to a pacific conclusion. —The hon. gentleman thought that the House was indefinitely pledged to support a war; so far from it, the vote the House had given, when they sent up an address in answer to the message, was to enable his majesty to arm. They still had the purse in their hands, as no money was yet voted for a war. Mr. Bragge reasoned upon this, and remarked that the hon. gentleman had said, that the situation of the negociation was what the chancellor of the exchequer dared not explain. He agreed with the hon. gentleman, that the chancellor of the exchequer dared not explain what the situation of the negociation was; he dared not do what an honest man dared not do—desert his duty —and abandon the interest of his country. When they looked back upon the conduct of the chancellor of the exchequer, saw how he had conducted himself

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through the emergency of affairs, and that he had obtained, even from his adversary, a confession, that he was a fortunate minister, his friends had a fair right to impute that to his wisdom, his integrity, and his abilities, which his enemies ascribed merely to his good fortune. With regard to the privilege of the House to request the king not to exercise his prerogative of proroguing the parliament, he admitted that the House had such a privilege, but repeated, that it ought never to be appealed to but in very extraordinary cases, and where it could be done with precision.

Mr. *Whitbread* said, that since he saw the minister was determined to persist in his contemptuous silence, he should thank his hon. friend for having brought forward his motion, which afforded him an opportunity of expressing his indignation at the conduct of the political Procrustes of the times, who fitted his patients to the size of his bed, and not his bed to the size of his patients, but lopped off or added just as suited his own purposes. Mr. Whitbread thought a session ought to be adapted to the quantity of business that was to be gone through: and when it was all disposed of, then and then only could the session be properly terminated. With regard to his hon. friend having brought so many questions forward as he had done upon similar grounds with the present, his hon. friend and those who had supported him, deserved the thanks of their country for having agitated those questions. That they had been necessary, was obvious from a view of the facts: and that the discussion had rescued the country from an expensive and perhaps a bloody war, was, he believed, by no means to be disputed. Two months ago an armament was fitted out to enable his majesty to negociate with greater effect, and were they not at that moment in the very situation in which they stood at the first? From the indecent hurry in which ministers had precipitated the public business within the last ten days, it did appear most incontrovertibly that those ministers wanted to get rid of parliament, which would be a spy upon their actions. They ought not, then, patiently to bear to be told, that if they had not brought on those questions, business would have gone on regularly and quietly. —The answer set up by the other side of the House had been, the often repeated claim of confidence; but he must ever think, that confidence thus blindly given was a disgrace to those who bestowed it, and a dereliction of their duty to their constituents. With regard to that House not having given an indefinite vote, when they passed the vote in consequence of his majesty's message, he must always consider that which was not finite and limited as indefinite: and clearly of that description was the vote in question, which might lead to the worst consequences. If he were in a different situation, a situation which he flattered himself he never should be found in, that of having given the minister his confidence and upon parliament being prorogued, his constituents should ask him what was the object and extent of the vote he had in their name given, he desired to know, what answer he could make? If he said, he really knew nothing of the matter, would not his constituents say, did you vote without knowing for what? did you not ask the minister the question? did you sleep upon the post we put you upon to watch over and guard our interests? Then would they say, we must pronounce you unfit to be any longer our representative, since you are either ignorant or corrupt.

Mr. *Jekyll* congratulated the House on the extraordinary definition of consistency which they had just heard from his hon. and learned friend. His hon. friend had endeavoured to prove the consistency of the House by an example which was totally distinct and different from that to which he wished to apply the same line of conduct; for what analogy could there be between a motion for an address not to prorogue parliament in favour of Mr. Hastings, and a motion to address the crown not to prorogue, on a ground so important as that of the present motion? But there was a consistency, and that a consistency "more honoured in the breach than in the observance:" viz. a reiteration of argument, and a sullen silence in regard to explanation. A prorogation at present could not take place without imminent danger to the country. That the House had the privilege of advising the crown not to exercise its prerogative of proroguing parliament, and that it had not been unfrequently exercised, might be proved by many instances. In the reign of Charles 2nd, when prerogative did not lay very low, that House had addressed the king not to prorogue parliament, and his majesty's message in answer was upon their journals, by which

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it appeared upon their representation, his majesty stated his resolution not to prorogue the Houses for some time. He had turned back to the last eight sessions, and found that they had never risen by some weeks, so soon as it was meant to do this session. Was it then, a time to prorogue the parliament, when war might be commenced in a few days, and when it was generally believed the fleet would sail next week, and a blow might be struck before parliament could again meet? Let them not bring down on themselves the disapprobation of their constituents and endanger the safety of the empire by voting against the motion!

Mr. *Cawthorne* thought the House ought to put that confidence in ministers which they deserved. If ministers had stated the nature, extent, and ground of the negociation with Russia, he should have thought they ought to be ministers no longer. He likewise thought this a proper season to prorogue parliament, as he knew of no business of moment that was left untransacted.

Mr. *Loveden* said, that when ministers came to parliament to ask supplies for the Spanish convention, they had received confidence from the House, in expectation that after the money was produced, some reason for their conduct would have been given as a satisfaction for that confidence; but as yet no answer had been given to any of the questions which were then put. He approved of the address, and only wished it contained a paragraph requesting his majesty to lay before the House some account of the present state of the negociation.

Sir *Elijah Impey* observed, that the hon. gentleman who moved the address had desired to know the state of the negociation; he wished, therefore, that he had added to the address words to that effect, because it would have brought it at once to the precise point, whether that House could or could not do that by a direct question, which had been attempted to be done by collateral terms. He took notice of the arguments that had been urged on the ground of confidence, and said, he had not heard that extravagant confidence claimed by the minister, which gentlemen had said he required. For his part, he must say, that any minister standing in the situation in which the minister then stood, must have confidence as long as he continued to stand in that situation, and the confidence required was such as ought to be given during the pendency of a treaty to every minister. The question was not a question of prerogative, for that he hoped never would be a question; but whether the people in that House, by their privileges, were to have as much power as the prerogative of the crown. As to the question before the House, he must give it his negative. The minister had said, he should think it his duty, before hostilities commenced, to lay before the House distinctly the grounds upon which it was deemed necessary to enter into that hostility. The answer to this was motion after motion, upon which the House had severally voted in favour of the minister, and surely there was a time when the question ought to be set at rest. An hon. gentleman had asked, what he was to tell his constituents, when they inquired for what his vote had been given? That hon. gentleman ought to tell his constituents the truth; that it was to enable his majesty to arm in order the more effectually to negociate; but that if war should be necessary, the House would know the grounds of it before hostilities commenced. Surely the minister had pledged himself to great responsibility, and might therefore be left to perform his duty unembarrassed by such questions as that before the House.

Mr. *Pitt* meant not, he said, then to go at all into the debate, but his majesty's ministers had been so often personally alluded to, and especially by the hon. and learned gentleman who had just sat down, that he was extremely desirous of being perfectly understood. He had undoubtedly stated, that by the vote which the House had come to upon his majesty's message, they had not pledged themselves to support a war, should the negociation end in hostilities; but if that should unfortunately be the case, that whenever gentlemen were called upon to vote either money or approbation, it would be the duty of ministers to state distinctly, what the grounds and occasion of those hostilities were. Farther than this he had not stated.

Sir *Elijah Impey* apologized for having made use of words relative to what had been said by the right hon. gentleman, that had extended farther perhaps than he himself had meant to go.

Mr. *Fox* said he was extremely anxious to rise, while the right hon. gentleman's words were fresh in the memory of the

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House, and to call the attention of the House, to the wide and essential difference between the statement of the right hon. gentleman, and that of his hon. and learned friend (sir Elijah Impey). When the latter had concluded, he was ready to get up and entreat his hon. friend to withdraw his address, if gentlemen on the other side would adhere to what the hon. and learned gentleman had said, which was, that parliament were not pledged by any vote to agree to a war, and that before hostilities commenced, the minister must lay before them the grounds for going to war; in that case, all he would have asked, instead of the address, would have been a resolution, that the minister could not go to war without giving previous notice to that House. However, it was better, as it happened, that he had given way to the right hon. gentleman who spoke last, and who had stated the matter in a very different light. For he had said, that we had already voted an armed negociation; but should that negociation unfortunately end in war, when he came to ask supplies for the expense of that war, he should think it his duty to lay the grounds of that war before the House; so that in place of parliament having previous notice, and its being in their power to prevent a war, should they disapprove of it, which he was sure they must, they were to be prorogued upon the eve of its commencement, and when called together six months afterwards, would have to defray the heavy expense of carrying it on all that time; which it would be impossible to refuse after it was incurred. Now, he, would state, by way of hypothesis, that this war, which must be disapproved of, had been going on during the time they were absent: a great increase of the army, navy, and supplies, ordinary and extraordinary, must be called for: he would therefore ask, whether it would not be more rational to stop the calamity in the outset, than to come to parliament for advice or assistance, after not only this country, but many other powers, might be entangled in a ruinous and expensive war? The first was most likely to secure the peace and happiness, the other the certain way to spill the blood and waste the treasure of the country. His constituents, he said, were not far off, and their sense might be soon known. But, on the opening of the session, it was much boasted, that the address to his majesty was moved by the representative of a great county, and seconded by the representative of a rich and populous city. And what, he would ask, could any of them say to their constituents? Why, that they had voted for a foolish armament, they knew not why, and had voted away large sums of their money without knowing wherefore! All this, however, must be done from confidence in the minister, and a delicacy about interfering with the king's prerogative;—for upon a strange construction of prerogative, they were not to interfere to prevent an unjust war, but when ministers came to ask money for the expense of it, they were to lay the grounds of the war before the House —a very great satisfaction to be sure;— but he feared that would be but cold comfort to their constituents. It had been said, that we were to arm (but not to go to war), from confidence. This was a different question: but the fair state of the business was, that while they gave confidence to ministers, they were to remain in town; and when it was their duty to watch the conduct of ministers, and the interests of their constituents, they were to be dispersed over the country; so that when they were to confide, which they might as well do in their houses in the country, they were to be present; and when they ought to watch, they were to be absent! And supposing when they were to be called together in November, they should find, that while parliament was not sitting, the country had been plunged into war, and an accumulated load of expense had been heaped upon their constituents without their approbation, consent, or knowledge,—why, terrible and destructive as this prospect would be, all power to prevent it would be taken from parliament by the prorogation, and the mischiefs of this rash and unprofitable system would be known when too late to be remedied. For, assuredly, peace was not so easily to be made, as it was to be broken!

At the commencement of this war, when it was the duty and the right of parliament to inquire into and know the situation of the country, the king's minister tells them, that they shall not continue to sit: and having got so much confidence for his negociation, till they are to be called upon for the expenses of the war, they are not to know why it was entered into: and for this unparalleled and monstrous conduct of ministers, they shelter

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themselves, as usual, under state secresy, which they find amazingly useful upon all similar occasions. Much had been said about consistency, and the period at which it would be the duty of ministers to give some explanation, though some gentlemen had gone so far as to say it might never arise, particularly the hon. and learned gentleman who had given him a speech for his constituents, and had told him to say to them, that he had voted, from confidence in the king's minister, for a negociation, and that the minister had referred him to a period when, perhaps, explanation might be given. This, and the king's prerogative to involve the country in a war, were the two good reasons they were to have for all the calamities that must attend it! Upon such a speech to their constituents, would they not have a good right to say,—"You are unworthy of the trust we have reposed in you; you have fled from your duty, and have risked our blood and treasure, and imposed fresh and oppressive taxes upon us." For he would maintain, that it would be impossible for the House of Commons to refuse to pay the expenses when they met in November: and there was no other way of raising the money, but by taking it from the pockets of the people by taxes. In this country it had been understood, that the people could not be taxed without their consent, given by their representatives in parliament; but this constitutional language was exploded, and we were told that it might be otherwise, because the expenses were incurred upon the right of the king and his ministers to involve the country in a war, without the consent of parliament; which, Mr. Fox said, he absolutely denied, strongly as it had been put that night. It was true, the king could make war; but could he command a fleet or an army without the mutiny bill? Could he raise a shilling to pay them? In short, admit the right of the Commons to grant or withhold the supplies, and give him his great prerogative, and what was it? But gentlemen said, we are not asking much; trust the king and his ministers only with a few of your privileges, just a small armament or so, only to put the nation to a little expense of blood and treasure. For his part, he would say, no. If you once say A, you may soon say B, and therefore, however much he respected the just prerogatives of the crown, he never would encroach on the privileges of the people.

When a prorogation of parliament without the advice of parliament, was mentioned, we were told, "Beware, you are infringing upon the king's prerogative, who has the undoubted right to dissolve and prorogue parliament." God forbid that this House should attempt to wrest any of the king's prerogatives from him; and much, they were told, ought to be confided in the proper use of it! These might be fine words, and sound well: but then came another prerogative, that of involving the country in a war without the consent of parliament, which likewise must not be interfered with. Was this either a decent or a right way of arguing, or was it not the most extraordinary that could have been used? Were we in the situation which this extended and novel idea of prerogative placed us, our situation would be that of an absolute monarchy of the very worst sort. Knowing all this, then, what must the country think of the mysterious proceedings of the present session, and more particularly its abrupt and improper prorogation, should it take place! If an answer might soon be expected from Russia, could there be any good reason for proroguing before that came? Should the negociation terminate in hostilities, there must be an increase of the army, an increase of the navy and an increase in many establishments, which would amount to very large sums; and when they met in November, all this must be provided for, whether the cause of the war was approved or not. For all this calamity, what was the recompence? It had been said that ministers were responsible for what they did. Undoubtedly they were. But what was the punishment of a minister? It might serve as an example: but it could not atone to the country for the ruinous disasters that his folly ignorance, or rashness had occasioned.

He was surprised to hear the lateness of the session so often mentioned, when it was known that in preceding years they had sat much later. But, perhaps, it would be said, that there were more urgent causes for it; that the country was in an uncertain and alarming situation; or that we had much to fear from the situation of other powers. With what degree of justice this was to be said, he left to the House to determine. This measure might now suit the minister's convenience, by getting rid of the parliament, but it might also ultimately

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be his ruin. He seemed to wish for an absolute power over the House, from the vote they had already given; which no minister would, however fond of prerogative, hold long over a parliament in that country.—It had been said, that he had called the right hon. gentleman a great and a fortunate minister; and then he was reminded of the auspices of Cæsar and other great names of antiquity, as if what he called fortunate, other men would call wise. He knew all this. He knew that where a series of success had followed the conduct of any man, that which his enemies might attribute to fortune, his friends would with justice ascribe to wisdom. But in this sense, he had never called the right hon. gentleman either great or fortunate. He had described him as great in situation, and great in power, by fortunate circumstances, over which he had no control, and in producing which he had no influence. The revolution in France, for instance, he had often described as a most fortunate circumstance—as an event by which this country was exalted to pre-eminence among the states of Europe, which could not have been attained by any other means. Would the friends of the right hon. gentleman contend, that his wisdom had any concern in bringing about that revolution? That was, indeed, a fortunate event for the ministers of this country. Most unfortunate, however, had been the use of it! Instead of availing himself of the advantages which it presented, which even obtruded themselves upon him; instead of exhibiting the temperance, the moderation, the disposition to conciliate, so conducive to the honour and the interest of a great nation; he had thrown them all away by rashness and insolence: for friendship he had procured enmity, for respect contempt. He had descended from the high elevation on which fortune had placed him, and had reduced himself to the necessity of having recourse to temporary shifts and expedients, by what he should ever consider as the most deplorable incapacity. Let his friends look to the consequences; but let them not, when those consequences were too sensibly felt to be disguised, take the reverse of their present argument, and say, "What you call impolitic, we call unfortunate." He wished the present question might be carried by a great majority; but were there none to vote for it but his hon. friend who moved it and himself, with his hon friend he should be proud to divide. His hon. friend, it was said, was put forward as the weakest of the party. Well might they say, *Ex pede Herculem!*, What must be the strength of that party of which his hon. friend was the weakest! If the question, in effect, had been already decided, it was far from improper to renew it in another shape; and even where other men had failed, the strength of his hon. friend was such as to make it far from a desperate experiment. Of this he was sure, that his hon. friend, by bringing forward the question, had merited the gratitude of posterity, and would receive the thanks of his constituents and his country. The hon. and learned gentleman had said, that the minister must give an account of his conduct at the proper time. If he did not give that account, he trusted the hon. and learned gentleman, notwithstanding his dislike to impeachments, would lend his aid to impeach him. The system of foreign politics which we had adopted, rendered us at once the hatred and contempt of Europe. It might be truly and emphatically described in the four words, once applied by a great statesman to the measures that gave birth to the American war—*Odiosum, detestabile, imbecillum, caducum.*

Mr. *Dundas* said, that one part of the right hon. gentleman's argument was a complete answer to the other. After seeming to dispute the prerogative of the Crown to declare war, he admitted that prerogative, and then added, that it could not be exercised without the concurrence of the House of Commons, whose privilege it was to withhold the supplies, and that privilege in the one case was as absolute as prerogative in the other. These were positions which no man disputed; but there was a single argument to be drawn from them applicable to the present instance, that was not equally applicable to every other. The House of Commons had a constitutional check on the prerogative of declaring war, by refusing the supplies, if they thought the war improper. What they had in all cases they had now; but was this any reason for interfering with another branch of the prerogative, the power of the Crown to prorogue the parliament? His majesty's message had been followed by no vote of credit; no supply had been granted upon it, and therefore, there was no ground for the imputation that minis-

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ters wished to get rid of parliament in order to carry on a war. The House had every check which it possessed at any time, and unless it could be shown that these checks were insufficient, the whole argument fell to the ground. What was their situation as to the period of the session? The complaint was very different from what it had been formerly: the same gentleman who used to complain that the session was improperly protracted, now complained that it was improperly shortened. There was now no business before the House, except, indeed, the string of resolutions which an hon. gentleman (Mr. Sheridan) had in his pocket. To what end, then, was the session to be continued? He disclaimed all personal confidence in the minister. Well entitled as his right hon. friend was to such confidence, he demanded only the constitutional confidence that must be given to every minister, without which the business of executive government could not be carried on. The House had already given that confidence. They had allowed an armed negociation to go on for two months, without interruption, except from the repeated call of certain gentlemen to disclose the circumstances of the negociation, which the House had very properly resisted.—That it was not the prerogative of the Crown to engage in war without the advice of parliament, he should be as ready to maintain as any man, but the prerogative of proroguing parliament was not to be controlled, unless the ground of controlling it was pointed out. The king might often be unable to explain the circumstances which led to war, till war actually commenced. If his ministers advised him to prorogue parliament to avoid receiving its advice, they became responsible for what they did. There was nothing at present to make the House more jealous of it, than on other occasions, when it was exercised without question. There might be many cases which would make it not only proper, but necessary, to declare war, without the previous advice of parliament. In cases of particular emergency, his majesty was empowered to assemble parliament within fourteen days. There were now the same checks on every exercise of the prerogative, that there had been for a century past. There was no particular reason to dread its being abused; and consequently no ground for laying extraordinary restraints upon it.

Mr. *Windham* said, the propriety of voting the address had been so forcibly urged by his right hon. friend, that he believed nothing could be added to his arguments. The right hon. gentleman who attempted to answer them appeared to be in the awkward situation of feeling himself called upon to say something, when, in truth, he had nothing to say. Let the House compare the answer with the argument. They were told that they were not to interpose with their advice on ordinary occasions. Was this an ordinary occasion, when the country was, for any thing he knew, on the brink of being involved in a ruinous war? To the king, they were told belonged the prerogative of declaring war; but they had a check on the exercise of that prerogative. They were then told that the king had the undoubted prerogative of proroguing parliament; and thus by the exercise of the two prerogatives, they were to be deprived of the means of exercising that check and control, which it was admitted they possessed. What answer were they to give to their constituents, when asked what care they had taken of their interests? Were they to say that they had been giving their confidence to the minister, on an assurance that when their advice became necessary, all the circumstances were to be explained to them? This must naturally lead to a second question—"When you knew that your advice might be wanted, why did you suffer yourselves to be dispersed almost at the moment when that advice could be given with effect?" To this he feared no answer could be given.

Mr. *Sheridan* said, that much as Mr. Dundas was entitled generally to the praise of ability, he certainly had not on that occasion advanced any argument which could make it necessary for him, or any gentleman to rise, especially after the clear and explicit answer of his right hon. friend. There was nothing to reply to, nothing to refute; a convincing proof that the motion which had been made so ably, and in the support of which his right hon. friend (Mr. Fox) had wielded his Herculean club, was unanswerable. All the puny efforts of the other side to resist the blows of that club, served only to expose them more to the eyes of the House in the unequal conflict. They were exhausted of argument. But his right hon. friend was not exhausted. His rich and fruitful mind had produced the

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new and irresistible arguments which they had heard, and which, whatever might be the vote, had given conviction to every thinking mind in the House. But the opposite side of the House were not only exhausted but tired—they were tired of being compelled to sit and hear accusation, which they could not refute; tired of enduring the scourge, and of being obliged at the same time to kiss the rod: tired of their own supporters, whose clumsy defences served not only to aggravate their suffering, but to disgust their taste. And thus exhausted and spiritless they sat in dejected silence, and left the field to their conquering enemy. Ever till now, the right hon. gentleman (Mr. Pitt) had at least made the show of ingenuity; he had always said something in vindication of the measures he had taken, or in support of the confidence which he claimed. But now he looked round with a supplicating eye, and pressed allies into the service, from whose aid, however, he did not profit, and whose excuses even he was forced to deprecate. Such was the situation in which the opposite side stood, and with such complete triumph were the arguments of his hon. friends to go forth into the country.—No man was disposed to deny the two prerogatives of making peace and war, and of proroguing parliament, but he would make this unqualified declaration, that the prerogative of making peace and war was not to be exercised without consulting the two Houses of Parliament, when they could be consulted. The prerogative certainly ought not to be exercised without such consultation, and he would add, that it could not, without material detriment to the crown, and without endangering the best interests of the country. The two Houses were the best and soundest advisers of the king; for though he possessed the advantage of a privy council (the selection of the privy council, called the cabinet, was unknown to the constitution) the true and legitimate advisers which the crown was bound to refer to, were the Commons and Lords Houses of Parliament. It might happen undoubtedly, that the crown might be obliged, from external circumstances, to declare war at the time he could not consult the two Houses of Parliament. It was true, and it was a defect in the constitution: it was a calamity to which, therefore, the nation might be occasionally subject. But would they covet that situation by choice, which was a necessity and a fault? Would they voluntarily put themselves into a situation in which they could not derive the fair benefits of the constitution which was our boast? Mr. Sheridan desired, that they should not be called on to make this sacrifice of their duty; he desired, that that which was their right, as truly as the prerogative of declaring war was the right of the king, namely the right of advising the crown, might not be surrendered by their own supineness, nor suffered to be taken from them by the act of ministers. The address to the crown, which they had voted, saying generally that they would make good the expenses of the armament, was, in truth, an unlimited vote of credit; and this he averred was an act which the Commons House of Parliament had no right to do, consistently with the compact which subsisted between them and their constituents. The king, he said, must not dare to violate his compact with the people. And in like manner the compact between that House and the people of England was equally binding, and by granting an unlimited vote of credit, they had done that which they had no right to do. If they should be told that they ought not to require previous information, as the purse was still left to them, he denied the fact. They had surrendered the purse-strings. They were to be separated and sent adrift, and the key of the strong box of England was left in the hands of the right hon. gentleman. He was to draw on the public for what sums he pleased; nay, and without ever pledging himself that at any future time he would explain to the country what was the true meaning of his pursuit. He thought, that they ought to come to a resolution, declaring that the House should receive from ministers at a future time, a full and explicit disclosure of all the circumstances of this armed negociation, that they might be able to judge of the policy and wisdom of the measure, on which, without explanation, ministers had demanded the confidence and the money of the people of England.

Mr. *Martin* said, that if parliament had not been sitting, the negociation would have been over a month ago, and we should have been now at war. He would vote therefore for the address.

The House divided:

Tellers.

YEAS { Mr. Grey - - - / Mr. M. A. Taylor - } 75

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NOES { Mr. Steele - - - / Mr. John Smith - } 170

So it passed in the negative.

Debate on Mr. Sheridan's Resolutions respecting the Public Income and Expenditure.] June 3. The House having resolved itself into a committee on the Report of the select committee appointed to examine and state the several accounts and other papers presented to the House in this session, relating to the Public Income and Expenditure, *

Mr. *Sheridan* said, he rejoiced that they were now in a form to examine with accuracy, whether his assertions and predictions on the state of the finances, or those of the chancellor of the exchequer, had been verified by facts and events. The committee need not be alarmed at the number of the resolutions which he meant to move (forty) although they were, he believed, one for every member present; because, being founded on the reports of the revenue committees of 1786 and 1791, it required but little argument to support them. It was unnecessary for him to press on the attention of the committee, that no subject could be more important, than whether or not parliament was doing its duty to the public on the state of the finances; was exhibiting a true account of their actual situation, and watching over every circumstance in the receipt and expenditure of the money levied on the people, with the attention that their duty to their constituents required. Experience showed, that all the circumstances of domestic economy, in which nations were formerly interested, the patriotism of their rulers, and the characters of this or that great man, were becoming daily of less importance, except the management of public money, and the mode of taking it from the people. When he considered this, he could not but be surprised at the conduct of the House of Commons, on a subject to which he thought they could not be too attentive. Instead of attention, he had observed, for many years, a remissness, which was far from creditable. From the examination of public accounts they seemed to shrink as from a task, which was either not within their province, or above their comprehension. Revenue regulations and tax bills they appeared to consider as things which they were to vote on confidence in the minister, notwithstanding the multitude of provisions which they generally contained, by almost every one of which the liberty of the subject was more or less affected. In consequence of this confidential carelessness, he had never been able to get a tax bill printed, though he had often attempted it, an attempt in which he was persuaded he must at length succeed; for it was not to be believed that the House would persevere in passing bills, containing a great variety of important and complicated clauses, without taking the ordinary means to comprehend and understand them.

It was not a little extraordinary, that when they had appointed a select committee to examine and revise the report of the committee of 1786, on the state of the public revenue and expense, when the committee of 1791 had made an estimate of the probable expense of the future peace establishment exceeding the estimate of the committee of 1786 by half a million, the House had received that estimate without asking a single question respecting the cause of the increase: and had voted supplies for the peace establishment of the current year, independent of the armament, exceeding the increased estimate by 800,000*l.*, without a single reason assigned why the peace establishment of 1791 should be greater than that of future years was expected to be. It was equally extraordinary that the committee of 1791 told the House, that the revenue had risen half a million above the estimate of 1786, and that the permanent expense had risen above the estimate in the same proportion; so that all the produce of new taxes, of arbitrary and oppressive regulations, of the unjustifiable extension of the excise laws, since 1786, had gone to the support of new establishments, and not to the reduction of the public debt. It was not the duty of the select committee to inquire into the increase of the establishments. They had, however, made an estimate of it in their report, and such was the result of it. The House had received it without the least surprise. Were an historian to give an account of the affairs of Europe since 1786, in his chapter of finance, after detailing the situation of other states, he might naturally say, "When we look to Great Britain, after the inquiry that she had instituted, and the principles of economy she had laid down, we must suppose that she was

* For the Finance Reports of 1786 and 1791, see p.452 of the present Volume.

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availing herself of the quiet of her only formidable rival, and the security which she consequently enjoyed was employed in reducing her establishment, and applying her increased revenue to conquer the only enemy she had to dread, her national debt." Instead of this, we had been increasing all the means of defence in proportion as our security increased; and our ministers had thought it their duty to look out new enemies, when France ceased to be the object of our dread. He had heard the extraordinary increase of the revenue, exultingly stated before Christmas; in opposition to which, he had then asserted, that the average receipt, since 1786, did not amount to the estimate of 1786, and the report of the committee now proved the assertion. In that average, he could not include the receipt of the last year, because he had not the accounts of it before him. But he admitted, that it had been great, and should by-and-by, explain from what circumstances. The committee of 1786 found the annual amount of permanent taxes at 12,042,697*l.*; they had estimated it at 12,797,471*l.* It produced in 1786 11,836,531*l.*; consequently the falling short of the estimate was 960,940*l.* The chancellor of the exchequer whose business it was to raise public credit, as high as he could, that he might lose as little as possible of his own, resolved to get rid of this deficiency, and to screw up the annual receipt by every possible means. It was highly proper to do this: but it ought to have been done openly, on a fair statement of the cause, instead of being done by what was called regulation of taxes, which were in many cases new taxes, and other indirect methods. It was a false principle, that the true state of the finances was not to be told to the public. Being once fairly and honestly stated, and open and avowed means provided to remove any deficiency, public credit would increase with public confidence. As one instance of indirect revenue, the assessed duties, on pretence of frauds and evasions, were transferred from the excise to the stamp office; and instead of the usual mode of presuming every man to be innocent till he was proved guilty, every man was presumed to be a defaulter, who could not prove that he was not. Under the threat of a rigorous and expensive exchequer process, it was assumed that no man had paid at the excise office, and all were called upon to pay at the tax office. Those who had paid and had mislaid their receipts, or who did not like trouble, could not apply at the excise office, as they were told they might do, to have the payment made there returned, and by this mode a considerable sum was obtained, but certainly in a very unfair way of taxation. Something similar to this happened when 10 per cent. was added to the assessed duties, as part of the ways and means, for the expenses of the Spanish armament. About three months after, the collector came at Lady-day, and demanded 10 per cent. not for a quarter but for a whole year. With just as much propriety in point of principle, might he have demanded it for ten years. All these indirect modes of raising money did harm. Retrospective taxes deprived the consumer, of the option which he ought to have, of using or not using the thing taxed; they insulted the feelings of men, and taught them to consider taxes not as a fair and necessary contribution for the public benefit, but as a harsh and unexpected imposition. The average of 1786 and 1787 was 12,295,663*l.* less than the estimate by 501,808*l.* The average of 1786, 87, 88, was 12,468,092*l.* less than the estimate by 329,376*l.* The average of 1786, 87, 88, 89 was 12,653,537*l.* less than the estimate by 143,934*l.* Thus all the accounts in which the great increase of the revenue had been blazoned forth for four years, had been circulated for the purpose of deluding the public and obtaining an easy concurrence to the progressive increase of annual expenses. The average of 1786, 87, 88, 89, 90 was 12,879,308*l.*, exceeding the estimate by 81,837*l.* If the calculation were made on the amount of the permanent taxes and the land and malt, the result would be still more unfavourable to the estimate of the committee of 1786. That committee, besides the taxes on which they calculated, pointed out various additional aids, so that the public had a right to expect a considerable surplus above their estimate. The chancellor of the exchequer had not been sparing of regulations. He had modified and amended tax bills with all the effect of new taxes, and extended the odious system of excise, and yet, with all these helps, the average produce of the revenue, since that estimate was made, gave only the inconsiderable excess above stated. Gentlemen must own, that there never was a period more favourable to the increase of the revenue in all its branches,

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or than which a more favourable could be expected. Now, in the produce of 1790, which alone had saved the credit of the committee of 1786, even in appearances, there were circumstances which contributed to swell the amount that could not be expected to be permanent. The produce of the fifty-third week, which came in only once in six years, was 198,000*l*. By the additional duties on spirits, imposed before Christmas, about 100,000*l*. had been brought into the account of that year, which was only an anticipation of the receipt of the next year. The duties on spirits exceeded what they produced in 1786, by 500,000*l*. There was also an extraordinary increase on tea, wood, and tobacco. It had always been admitted, that putting tobacco under the excise laws, would increase the revenue for a short time; but it was denied that the increase would be permanent. It remained to be seen whether it would be so or not. The committee of 1791 said the increase of revenue might be relied on, because it was on articles of general consumption. The articles stated were so, but on many other articles of general consumption there appeared, from the accounts, to be a decrease. In the two last years 240,000*l*. had been taken out of the hands of the receiver-general of the customs, which was considered as a floating balance not likely to be diminished; but whether diminished or not, it could not come in aid of future years. On looking at these, and other articles, he did not think that the receipt of 1790 would be permanent. The select committee had very properly distrusted the receipt of that year, and founded their estimate on an average of three years. As he meant to follow their report as closely as he could, his resolutions were founded on that average. The expenditure since 1786 exceeded on an average, the calculation of the committee by about one million. This excess had been defrayed by extraordinary aids, which were now first properly brought forward, and classed in the report. They amounted to six millions; and by so much since 1786 had the annual expense exceeded the permanent annual income. From the account of extraordinary aids, the committee excluded the Dutch loan. Now, if the instalments by which it was repaid were paid into the hands of the commissioners for reducing the public debt, that exclusion would be proper; but as they were added to the ways and means of the current year, the repayments would be spent, while the annuity on which the principal was raised remained, and would be as much an addition to the public debt as any other whatever. He was not less surprised at another passage of the report. After stating the extraordinary aids, it added, "From the nature of the articles which have composed these extraordinary aids, it is evidently impossible to form any estimate of what farther receipt may be expected under such of those heads, as can recur in future." This seemed to imply, that some of those aids might be expected to be efficient, or that something considerable might be still expected from the whole. He asserted, that none of them could be efficient to any degree, except the lottery. The respited arrears from the India company amounting to 522,500*l*. being paid could produce nothing for a future year. The arrears of land and malt due before 1786 had gradually diminished to a very small sum, and were now exhausted. Of the imprest monies and monies repaid, amounting to 820,165*l*., 600,000*l*. was received from the India company for the expense of troops in India. This ought rather to be considered as a loan than an aid, because it was a claim which the company had always disputed. A right hon. gentleman (Mr. Dundas) had, indeed said, "Let us get the money, and see how they will get it back;" but if there were not a certain management, he would not say, collusion between government and the company, there could be little doubt, but that they would get it back on the fair construction of the act of parliament, on which it was demanded. This appeared to swell the payments under that head for the last two years to a large amount: but if it was deducted, the produce of imprest monies and monies repaid, had fallen to nothing. The repayments of the Dutch loan, as he had already shown, must either be applied to the extinction of debt, or the sum lent added to the increase of funded debt. The army savings, which had arisen from the issues of the war, were no longer productive. In short, not one of the heads of extraordinary aids could be looked to in future, except the lottery, if parliament should think fit to continue it; and he should never think the finances in a flourishing situation while so mischievous a source was resorted to.

Such being the future prospect of the

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revenue, what was the state of the expenditure? The committee of 1786 estimated the navy at 1,800,000*l.*; the committee of 1791 estimated it at 2,000,000*l.* What confidence could the public give to such estimates, when they saw such an increase without any reason assigned for it, and when they saw a sum voted for the current year considerably exceeding the highest estimate? The committee of 1791 had not stated any time at which a peace establishment, according to their estimate might be expected; and in forbearing to do this, they had been wiser than their predecessors. He wished that ministers would try a peace establishment, if it were but a year or two, by way of experiment, to see how the circumstances of the country could bear it. The estimate of the army in 1786, was 1,600,000*l.* In 1791, it was 1,748,842*l.* The ordnance in 1786, was 348,000*l.* In 1691, it was 375,000*l.* The noble duke at the head of the ordnance stated such reasons for the increase as showed that new articles were always likely to arise, and that no estimate was to be depended on. The noble duke, who was a great economist, and had many qualities that fitted him for his department, if he were not so great an engineer, added reasons to his estimate, and then showed how little faith was due to it.—He had now run over the heads on which his resolutions were founded; and he requested that when the chancellor of the exchequer heard them moved, he would not negative or move the previous question upon them, unless he could show that they were false. He then read the following Resolutions;

1. "That it appears, that the select committee of 1786 proceeded upon a supposition, that the annual and permanent taxes then subsisting were likely to produce annually the sum of 15,397,471*l.*

2. "That the select committee of 1786 state, that a farther considerable increase in the then subsisting taxes beyond their estimate might be expected, if the due collection thereof could be secured by measures adequate to the purpose, and such as would probably afford an ample provision for any deficiencies which might at any time be found in certain extraordinary resources, before enumerated by the select committee.

3. "That it appears, by the report of the select committee of 1791, that the produce of the said taxes, from the 5th January 1786 to the 5th January 1787, amounted only to the sum of 14,405,702*l.* being 991,769*l.* less than the sum estimated: that the produce of the said taxes upon an average of the first two years (viz. 1786 and 1787) amounted only to 14,864,834*l.* being 532,637*l.* less than the sum estimated: that the produce of the said taxes, upon an average of the first three years (viz. 1786, 1787, and 1788) amounted only to 15,037,263*l.* being 360,208*l.* less than the committee estimated: that the produce of the said taxes, upon an average of the first four years (viz. 1786, 1787, 1788, and 1789) amounted only to 15,222,708*l.* being 174,763*l.* less than the committee estimated: and that the produce of the said taxes, upon an average of five years (viz. 1786, 1787, 1788, 1789, and 1790) has amounted to 15,448,479*l.* leaving an exceeding of 51,008*l.* beyond the estimate of the said select committee.

4. "That in this calculation the select committee of 1791 have not adverted to all the additional impositions which ought to have been deducted from their estimate.

5. "That the total nett produce of the public income, upon an average of the last five years (viz. from 6th January 1786 to 5th January 1791, both inclusive) has amounted annually, including a fifty-third weekly payment, to a sum not exceeding the sum of 15,618,775*l.*

6. "That the average expenditure during the same period, including the sums paid to the American loyalists, and on account of other temporary miscellaneous services, and the sums issued to the commissioners for discharging the national debt; and adding the estimated expense of the militia for the years 1789 and 1790; but exclusive of the expense of the armament in 1790, and of any addition to the navy debt since 1786; has amounted annually to a sum exceeding the sum of 16,855,109*l.*

7. "That the average excess of expenditure beyond the average income, during the above period, has amounted annually to a sum exceeding 1,236,334*l.*

8. "That the total net produce of the public income, upon an average of the last three years (viz. from 6th January 1788, to 5th January 1791, both inclusive) has amounted annually, including a fifty-third weekly payment, to the sum of 16,030,286*l.*

9. "That the average expenditure during the same period, including the sums paid to the American loyalists, and on account of other temporary miscellaneous services, and the sums issued to the commissioners for discharging the national debt; and adding the estimated expense of the militia, for the years 1789 and 1790; but exclusive of the expense of the armament in 1790, and of any addition to the navy debt since 1786; has amounted annually to a sum exceeding 16,978,073*l.*

10. "That the average excess of expenditure, beyond the average income, during the above period, has amounted annually to 947,787*l.*

11. "That the expense of the armament in the year 1790, separately provided for, and not included in the above accounts, has

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amounted to a sum exceeding three millions.

12. "That it appears that the addition to the navy debt, since 31st December 1785, is estimated by the select committee at 457,950*l.* and that, by an account delivered to the House since the report of the committee, this debt appears to have been farther increased.

13. "That the total amount of the exceeding of expenditure in the five years before stated, exclusive of this addition to the navy debt, and of the expense of the armament in 1790, amounts to the sum of 6,181,670*l.*

14. "That the extraordinary resources, by which this deficiency has been supplied during the above period, have amounted to the sum of 6,191,105*l.* and have arisen from the following articles; viz.

	£.
From respited duties paid in by the East India Company	522,500
From arrears of land-tax granted prior to 1786	131,467
Ditto malt	14,875
From sums remaining in the Exchequer on 5th January 1786	1,172,119
From imprest monies, and monies repaid	820,165
From money repaid on account of advance for foreign secret service	34,000
From sale of French prizes	3,000
From army savings and Chelsea pensioners	1,091,147
From profit on the annual lottery	1,212,692
Raised by way of tontine	1,002,140
Ditto by granting short annuities	187,000
	£. 6,191,105

15. "That from the nature of the articles which have composed these extraordinary aids, no similar assistance, to any considerable amount, can be expected in future, excepting from the article of a lottery, should the legislature continue to think it right to avail itself of that expedient.

16. "That the select committee, appointed in 1786, to examine and state the accounts relating to the public income and expenditure, and to report what might be expected to be the annual amount of the said income and expenditure in future, have stated the expected future expenditure upon a permanent peace establishment, including the annual million to be paid to the commissioners, at the sum of 15,178,181*l.*

17. "That the select committee, appointed in the present year 1791, to examine into the amount of the public income and expenditure during the last five years, and also to report to the House what may be expected to be the annual amount in future, state the expected expenditure, upon a permanent peace establishment, including the annual million to be paid to the commissioners, at the sum of 15,969,178*l.* a sum exceeding the permanent peace establishment, as stated by the committee of 1786, by 490,997*l.*

18. "That in the report of the select committee in 1786, the accounts are stated to have been prepared on a calculation of a permanent peace establishment towards the end of the year 1790.

19. "That the select committee of 1791 state no time when their estimate of a permanent peace establishment may be expected to commence.

20. "That the expense of the present year, according to the services already voted, and exclusive of any extra expense for the present armament, will amount to the sum of 16,833,920*l.* or more; exceeding the permanent peace establishment of the select committee of 1786, by the sum of 1,355,739*l.*, and the enlarged estimate of the committee of 1791, by the sum of 864,742*l.*

21. "That the select committee of 1786 calculate the amount of the permanent peace establishment, under the five heads of navy, army, ordnance, militia, and miscellaneous services, at 3,913,274*l.* viz.

Navy	1,800,000
Army	1,600,000
Ordnance	348,000
Militia	91,000
Miscellaneous Services	74,274
	£. 3,913,274

22. "That the select committee of 1791 calculate the amount of the permanent peace establishment, under the same five heads of Navy, Army, Ordnance, Militia, and Miscellaneous Services, at 4,347,569*l.* viz.

Navy	2,000,000
Army	1,748,842
Ordnance	375,000
Militia	95,311
Miscellaneous Services	128,416
	£. 4,347,569

exceeding, in these five articles, the estimate of 1786, by the sum of 434,295*l.*

23. "That the select committee of 1791 do not appear to have thought it within their province to inquire into, or to state any ground or necessity for such increase.

24. "That the sums voted for the service of the present year under the above heads, but including no provision for the present armament, are as follow:

Navy	2,131,000
Army	1,853,000
Ordnance	443,000
Militia	95,311
Miscellaneous Services, including the sums to the American loyalists, and other allowances	690,000
	£. 5,212,311

exceeding the estimate of 1786 by the sum of 1,299,037*l.* and the estimate of 1791, by 864,742*l.* but deducting the sum of 306,000*l.* of the sum voted to the loyalists, as being to

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be defrayed by the profits of the lottery, then exceeding the estimate of 1786 by the sum of 990,037*l.* and the estimate of 1791, by the sum of 558,742*l.*

25. "That the select committee, estimating upon an average of the three last years, and adverting to the additional week's receipt in 1790, have calculated the future probable annual income at the sum of 16,030,286*l.* exclusive of the profits on a lottery.

26. "That the receipt of each of the two last years appears to have considerably exceeded that sum.

27. "That in the receipt of the latter year, the great increase appears to have arisen under the head of excise; and that, in the articles of spirits and spirit licences alone, the exceeding in the receipt of the year 1790, over the receipt of the year 1786, amounts to the sum of 599,355*l.*

28. "That it appears to have been highly proper in the select committee to calculate, upon an average of three years at least, the future expected income; at the same time it appears to this committee, that, on a review of the whole of the accounts, the future income may reasonably be expected to amount to the sum estimated by the select committee.

29. "That upon this estimate, it appears that our future income is calculated as likely to exceed our future expenditure by the amount of 61,108*l.* per annum.

Income	16,030,286
Expenditure	15,969,178
Balance ..... £.	61,108

30. "That this balance is wholly inadequate to provide for those extraordinary expenses which are actually foreseen and admitted by the select committee; for, though the select committee state, that they do not conceive that "it falls within their province to consider what other extraordinary expenses, not included in any estimate before them, may occur in a course of years;" yet they further state, "that the only article of this nature, which has been brought distinctly under their view, is the amount of the money remaining due upon the principal and interest of the American and East Florida claims, which has been directed by parliament to be paid by instalments:" and it further appears, that this article, so distinctly brought to the view of the select committee, is stated by them to have amounted, on 10th of October 1790, to 1,546,062*l.* exclusive of the interest payable on such part of it as remains undischarged, and exclusive also of further annual payments and pensions to American loyalists, amounting to 54,211*l.* per annum.

31. "That besides this article, so stated by the committee, it appears from the ordnance estimate, inserted in their appendix, that the estimate of the future annual expense of that office is, "exclusive of such sums as are contained in the estimate of the board of land and sea officers, additional works for security of his majesty's dock-yards, and of any other fortifications, or other new works, to be carried on in the West Indies, North America, or elsewhere."

32. "That to meet these heavy articles of inevitable extra expense, or the expense attending the present armament, or for any future exceeding under the head of "Miscellanies," beyond the sum last estimated, the select committee refer us to no extra resource that can be relied on, but that of a lottery.

33. "That admitting the future income to meet the estimated expenditure, or even so to increase, as with the aid of a lottery to satisfy the above certain extra demands, in the course of the five years next ensuing, yet will the public income remain wholly unequal to afford the smallest aid to any new and unforeseen demand that may arise, either for any armament or any other unforeseen contingency within that period, or to spare the smallest surplus towards the reduction of the unfunded debt, already increased to a degree, and continued at an amount, wholly unprecedented in time of peace, in the annals of this country.

34, "That the experience of the three last years, in the course of which the unexpected and heavy expense of two armaments has been incurred and satisfied, while a third remains to be provided for, would render it highly improvident in this committee not to advert to the probability of similar events recurring.

35. "That the sum stated by the select committee to have been actually applied to the discharge of the public debt, amounts to 4,750,000*l.* from which it is admitted that there should be deducted the tontine million increased on the navy debt, and other articles of debt contracted, to the amount of 1,602,569*l.*, leaving a balance of 3,147,411*l.*

36. "That in the account of the debt contracted, no allowance is made for such part of the old navy debt as now bears interest, and which must be considered as additional debt; nor are the short annuities granted in 1789 admitted, although the instalment repaid, instead of being paid over to the commissioners for reducing the national debt, was applied to the services of last year.

37. "That the annual interest of the capital stock, stated to have been purchased by the commissioners for reducing the national debt, up to the 1st of February 1791, amounts to the sum of 203,170*l.* from which is to be deducted the increased annual charge for the interest of the tontine loan, viz. 42,262*l.* leaving the sum in favour of the commissioners 160,908*l.*; and if from this sum a further reduction is made for the increase of interest on the navy debt, stated, since the report of the select committee, to amount to 49,888*l.* that sum will be reduced to 111,020*l.*

38. "That the permanent addition to the

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peace establishment, stated by the select committee of 1791, as to remain on the five articles before enumerated, amounts to 434,295*l.*; so that while an annuity to the amount of 111,020*l.* has been redeemed by the commissioners on behalf of the public, in the form of re-purchasing debt, an annuity of four times that amount is proposed to be entailed on the nation, in the form of increased establishment.

39. "That upon due consideration of the report made this day from the committee of the whole House, to whom the consideration of the report from the select committee of 1791 was referred, and also upon consideration of the two reports of 1791 and 1786, and of the several accounts before the House relative to the public income and expenditure, it appears proper and necessary to declare, that the great increases proposed to the permanent peace establishment in the report of 1791, ought not to be considered as receiving countenance or approbation from the House of Commons, until the causes of the same shall be explained, and the necessity of them made manifest."

Mr. *Pitt* rose as soon as the resolutions had been read, and remarked, that in the manner in which they had been now read it would be utterly impossible at the first, view, to enter into the variety of detail, or follow these resolutions through the multiplicity of calculations. At the same time he expressed his desire that they should undergo a full and fair discussion. There were some of them with which he agreed, others to which he would dissent, but upon the general view, he did not think that they needed be put to the question; and the conclusion which he would draw from the whole would be essentially different. He therefore wished, that for the present, the hon. gentleman would only move his resolutions, and leave them to be considered. Mr. Pitt said, he likewise was willing to read the resolutions on the other side, in order that gentlemen might be furnished with the means of comparison, and be enabled to come fully prepared for the discussion. His object was to render the statement of the business so plain, that every man in the country might be fully acquainted with a subject, in which he was most materially interested, the situation of its finances.

Mr. *Rose* thought it would be best to move the resolutions, and have them printed; which, though not strictly regular, might be done by a general concurrence.

Mr. *Sheridan* expressed his assent thereto.

Mr. *Fox* was of opinion, that every one of the resolutions ought to receive an aye or a no. The public ought to be convinced whether these resolutions were supported merely by the authority of an individual, or founded upon facts.

Mr. *Pitt* then read seven propositions, drawn up by himself and a few friends, who, he said, had taken great pains with the subject. As to extraordinary expenses and extraordinary resources, neither of these, Mr. Pitt said, he had taken into consideration. If it should be thought necessary likewise to bring forward these, they would form two other resolutions. He trusted now that gentlemen being in full possession of all the materials of discussion, would be enabled to come to a decided conclusion on the subject.

The chairman was then directed to report progress, and ask leave to sit again on the 6th instant.

June 6. The House having again resolved itself into the committee,

Mr. *Sheridan* expressed his satisfaction that the adjournment of the consideration of his resolutions had taken place, as it had given the members time to consider them, and he was sure that the more they were considered, the more they would be acquiesced in. Having read over the seven resolutions brought forward by the chancellor of the exchequer, he declared he conceived they did not contain any great intelligence. He said, he had thought it his duty to go more at length into the subject, and had endeavoured to show how diffident a committee should be, when they were endeavouring to prove, what would be the probable amount of our future revenue and expenditure. The committee of 1786 fell short in their calculations by about 900,000*l.*; and he contended, that all the accounts that, year after year, had been laid before the public by the right hon. gentleman, were absolutely fallacious. The committee of 1786 with a great degree of confidence, had laid down a peace establishment, which was to have taken place at the end of the year 1790; but the committee of 1791 had added between 4 and 500,000*l.* to that peace establishment, without alleging a single reason for so great an increase. If the committee would but give him the last resolution, he was ready to give up all the rest. He concluded with moving his first resolution.

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Mr. *Pitt* assured the hon. gentleman, that he was ready and desirous to discuss all his resolutions, one by one, on the last of which he should certainly move a negative. He wished however, to make a small amendment to the first resolution of the hon. gentleman. The hon. gentleman seemed to think that his (Mr. Pitt's) resolutions were very defective in point of information; he begged leave therefore to show to what his resolutions went. They stated how far the amount of the revenue had fallen short of, or had exceeded the expectations entertained by the committee of 1786. In the next place, the resolutions proved that all the expenditure had been defrayed, and showed how it had been defrayed. The peace establishment had not been calculated to have taken place, during the five years, although during that period very large expenses had been incurred; a natural object of curiosity therefore was, the methods by which they had been able to defray them. The hon. gentleman had said, that there was no novelty in informing him that the expenditure was defrayed either by the ordinary or extraordinary income. That had been a subject of a great deal of discussion, and there had been repeated imputations, both in that House and elsewhere, that it was impossible for them to show the means they had to enable them to pay such large sums. As there was much doubt, whether they could point out the precise means by which the expenditure had been so defrayed, he trusted it was not too much to state, plainly and simply, how it had been defrayed. He had stated, in a way that was intelligible to the public, that it had been defrayed by the produce within the five years of the permanent taxes, by the annual aids on land and malt, and by the sums arising from extraordinary resources, with the addition of a loan of one million raised by tontine, and 187,000*l.* raised by short annuities. These, he said, did not appear to him to be uninteresting points to be ascertained. —After the debt that had been actually paid, the next thing was the estimate of their probable income and expenditure in future. Whether these things were truly stated or not, was matter of discussion. His idea was, that the whole of the business should be concentered into a few leading points which were intelligible to all. On that ground it was that he had brought forward his propositions: and on that ground he, for one, was of opinion, that the resolutions of the hon. gentleman rendered the subject complex, and prevented the truth from being clearly ascertained. Because the committee of 1786, and that of 1791 had differed respecting the amount of the peace establishment, the inference that had been drawn from that was, that no estimate whatever could be depended on. This appeared to him, a very strange conclusion. It was not extraordinary for the committee of 1791, seeing several particulars in which the committee of 1786 had failed, to have made a provision for that failure in future; and it was not to be wondered at, that the committee of 1786 had committed some small mistakes, as they were, to the best of his knowledge, the first committee in the history of this country who had been appointed to ascertain the whole of the peace establishment. Though he had no particular objection to the first resolution, he thought it would be better with an amendment, and therefore he should move that there be added the words "including the land tax, 1,967,650*l.*, the malt duty 632,350*l.*, and the permanent taxes, 12,797,471*l.*"

Mr. *Halhed* allowed that there had, indeed, been a woeful deficiency in the income of the year 1786 from what it had been stated by the committee. But there was something unfair in fixing upon this particular year, and spreading the unfortunate deficiency of it over the average of all the others. Every year since the income of the country had improved. And why should not gentlemen, instead of taking an average of the four first years, take an average which would be so much more favourable of the two or three last? The last year had more than supplied the deficiency of the first. Mr. Halhed then went into the calculations, and argued with a view to prove that the resolutions of Mr. Sheridan were not founded, but that those of the chancellor of the exchequer were agreeable to the facts.

Mr. *Sheridan* asked why the hon. gentleman wished to leave out the baneful year 1786, and yet avail himself of the prosperous 1790? This difference, so striking in the produce of different years, was easily accounted for. Means would be contrived, by which the income of one year, might, for a particular purpose, be swelled out, and the deficiency made to fall upon the next; and that with a view of making the income of the country appear in a more advantageous light than it

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could really bear, as was the case with the income of the year previous to 1786. Hence proceeded the deficiency which had so woefully fallen upon that year. From the same cause, he would venture to predict, that the income of the present year would not be equal to that of the preceding. That the extraordinary expenses were out of the view of the committee of 1786 he denied; but had no objection to the amendment.

Mr. *Rose* conceived there was a very good reason why the year 1786 should not have been taken into the account. It was in 1786 that the committee made their calculation, which was not made for that but for the next year. In 1786 various laws passed which tended greatly to increase the revenue. If the year 1786 were omitted, the revenue of 1787 came within a trifle, and the other years greatly exceeded that estimate. The hon. gentleman had stated that the increase of the revenue was altogether owing to the excise, and principally in the article of spirits. If that observation were true, it showed that his right hon. friend was right in the decrease of the duties on foreign spirits, and in the decrease of importation for the benefit of British spirits. The regulations of his right hon. friend had prevented illegal importation. The hon. gentleman had said, that they had gained a great deal by transferring the assessed taxes; but this was a mistake; for instead of a gain there was a loss. It had also been said, in the 10 per cent. tax imposed this session, that a great gain had been derived from demanding the tax for twelve months instead of one quarter. The fact was, that that was true only in a very trivial degree, and applied to a small number of assessed taxes, as servants and horses, where it was not easy to calculate but by the year. The hon. gentleman had also said, that the assessed taxes were the true criterion by which to judge of the prosperity of the country, and that those taxes were decreasing; Mr. Rose thought, that to form an opinion by the state of the assessed taxes, was not the very best method of judging of the flourishing situation of a country. But, however that was, instead of decreasing, they were in a regular state of increase. The hon. gentleman had stated likewise, that all our extraordinary resources were at an end, and particularly the impress money. In answer to which, Mr. Rose asserted that there was not the least reason in the world to suppose that resource would fail. The hon. gentleman had said, they ought not to take the last year into the account, when they were to judge of our future income, because it was always so much in the power of the minister to anticipate the taxes of the succeeding year, and to make them come quick into the treasury. Mr. Rose conceived that that was precisely the reason why the last year should be taken into the account. The amount of the assessed taxes were less last year by 170,000*l.* than they were on the average of the three preceding years, and, for that reason, they might expect that the income of the next year, instead of being 16,030,000*l.* would amount to 16,200,000*l.*

Mr. *Fox* begged leave to say a few words. With regard to including the year 1786, if they were to take that year only, there might be some reason for objecting to it; but if they were to take in the last year, which had exceeded very much the former years, he could not see by what rule they were to leave out the year 1786, because it had been an unproductive year. That they should take in the one year and overlook the other was a mode of reasoning which he could not comprehend. Considering the way in which they dealt with his hon. friend, he never could be right: his hon. friend was right at the end of the first year; nay, he was right at the end of the second year; he was right at the end of the third, and of the fourth year; then came an extraordinary year, which enabled the other side of the House to say, that the average income of the last five years had exceeded the expenditure by 51,000*l.* But these calculations were only to be made when they pleased: his hon. friend was right at the end of four years, but there was not then any inquiry, and therefore he conceived it to be the most ridiculous thing in the world to make any predictions, because they stopped till some extraordinary circumstance occurred, and then they were pleased to make their calculations. People out of doors had frequently told him, that, though differences of opinion might subsist on political points, and debates might arise on topics of that nature, they were perfectly astonished when they heard of altercations arising on matters of revenue, and of subjects that consisted of figures merely, being disputed. The answer he always gave was, that those disputes arose on the abuse of ave-

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rages. They sometimes went on the average of two, sometimes of three &c. years. All that he wanted was, that they should fairly state the facts to the public, and leave those facts to their judgment; that they would let them see what was the average of two, three, four, and five years. This was what was proposed by his hon. friend. On the other side, they had endeavoured to evade it. The right hon. gentleman had said, that he did not see the propriety of the third resolution of his hon. friend; that, Mr. Fox said, he took to be the most material part of the business. A more alarming circumstance had never happened, than that of the committee of 1786 laying down a peace establishment, and the committee of 1791 adding to that establishment, at the lowest calculation, between 4 and 500,000*l.* They had never been told by the other side of the House, that they were about to undertake such expenses: they had found themselves in this situation, they knew not how; and they were going they knew not how, to lay on themselves and their posterity, between 3 and 400,000*l.*, after subtracting 100,000*l.* for the army; and this extraordinary expense could not have been defrayed, had it not been for the extraordinary resources, many of which could not be foreseen, and would not recur.

The first resolution was then put and agreed to as amended. The second was negatived; and the third and fourth passed with amendments, and after a short conversation, the debate was then adjourned to the following day.

June 7. The committee took under its consideration Mr. Sheridan's remaining resolutions, of which the 16th passed without any alteration; the 11th, 17th, 20th, 23d, 25th, and 30th passed with various amendments; the rest were either negatived or withdrawn.

June 8. The report of the committee being brought up,

Mr. *Sheridan* said, that unsuccessful as his exertions had been to obtain a true statement of the revenue and expenditure for the last five years, he would not, as his opponents had done, attempt to negative any resolution of fact. The resolutions which he had moved, he was certain, exhibited a more clear and correct view of the finances than those contained in the report, and for that reason he should move the previous question.

The previous question was negatived, and the following Resolutions were severally agreed to:

1. "That it appears that the select committee of 1786, 'proceeded upon a 'supposition that the annual and perma-'nent taxes then subsisting, were likely 'to produce annually the sum of '15,397,471*l.*' viz. the land tax 1,967,650*l.*; the malt duty, 632,350*l.*; and the permanent taxes, 12,797,471*l.*"

2. "That it appears, by the report of the select committee of 1791, that the produce of the said permanent taxes in the year 1786, was 11,836,531*l.*, being less by 960,940*l.*, than the sum estimated —in the year 1787, 12,754,795*l.*, being less by 42,676*l.* than the said sum—in the year 1788, 12,812,952*l.*, being more by 15,481*l.* than the said sum—in the year 1789, 13,209,871*l.*, being more by 412,400*l.*, than the said sum—and in the year 1790, 13,782,398*l.*, being more by 984,922*l.* than the said sum, including 193,000*l.*, being the amount of one fifty-third weekly payment. That the produce of the said taxes, upon an average of the first two years (viz. 1786 and 1787) amounted to 12,295,663*l.*, being 501,808*l.* less than the sum estimated. That the produce of the said taxes, upon an average of the first three years (viz. 1786, 1787, and 1788), amounted to 12,468,092*l.* being 329,379*l.* less than the sum estimated. That the produce of the said taxes, upon an average of the first four years (viz, 1786, 1787, 1788, and 1789), amounted to 12,653,537*l.*, being 143,934*l.* less than the sum estimated. That the produce of the said taxes, upon an average of five years (viz 1786, 1787, 1788, 1789, and 1790), amounted to 12,879,308*l.*, being 81,837*l.* more than the sum estimated. That the produce of the said taxes, upon an average of the last four years (1787, 1788. 1789, and 1790), amounted to 13,140,002*l.*, being 342,531*l.* more than the sum estimated. That the produce of the said taxes, upon an average of the last three years (viz. 1788., 1789, and 1790), amounted to 13,268,405*l.* being 470,934*l.* more than the sum estimated. And that the produce of the said taxes, upon an average of the last two years (viz. 1789 and 1790) amounted to 13,496,132*l.*, being 698,661*l.* more than the sum estimated."

3. "That in this calculation, the select committee of 1791 have adverted to all the additional impositions which ought

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to have been deducted from their estimate, except tobacco licences, which amount in the whole to 81,753*l.* and that they have made no allowance for the diminution arising from the exemptions allowed in the horse tax, or for the repeal of the tax upon linens and stuffs.

4. "That no complete account can yet be given of the produce of the land and malt taxes for the last five years. That the net produce of the land tax appears liable to no material variation from year to year, and may be stated at 1,972,000*l.*, being 5,000*l.* more than the sum estimated. That the net produce of the malt tax in the years 1786, 1787, and 1788, appears to have been upon an average 597,171*l.*, being 35,179*l.* less than the sum estimated.

5. "That it appears, by the report of the select committee of 1791, that the total amount of the interest and charges upon the public debt, and of the sums issued for the reduction thereof, of the charges of the aggregate and consolidated fund, and of the sums granted for the supplies (including the deficiencies of land and malt, the deficiency of grants for the year 1785, and the amount of the prizes in the lotteries of the several years, with the charges attending them) has been, during the last five years, 88,116,916*l.*; and that the whole of the above charges (except the sum of 207,000*l.*, which remained to be provided for in the present year, under the head of deficiency of grants) has been defrayed by the produce within the said five years of the permanent taxes, by the annual aids on land and malt, and by the sums arising from extraordinary resources, with the addition of a loan of one million raised by tontine, and of 187,000*l.* raised by short annuities.

6. "That, over and above the sums granted for the supplies, there appears to have been an increase in the navy debt within the said period, which is stated at 457,950*l.* and an arrear incurred in the ordnance, under the head of unprovided, to the amount of 61,900*l.*; and that the deficiency of grants of the year 1790 exceeds that of the year 1785 by the sum of 80,590*l.*

7. "That the sum voted for defraying the expense of the armament of 1790, and for the charge of 6,000 additional seamen for the service of the present year (amounting to 3,133,000) is not included in the above account; but that a separate provision has been made for discharging the same, independent of the future income of the country, as estimated by the committee of 1791.

8. "That the select committee appointed in 1786 to examine and state the accounts relating to the public income and expenditure, and to report what might be expected to be the annual amount of the said income and expenditure in future, have stated the expected future expenditure upon a permanent peace establishment, including the annual million to be paid to the commissioners, at the sum of 15,478,181*l.*

9. "That the select committee, appointed in the present year 1791 to examine into the amount of the public income and expenditure during the last five years, and also to report to the House what may be expected to be the annual amount in future, state the expected expenditure, upon a permanent peace establishment, including the annual million to be paid to the commissioners, at the sum of 15,969,178*l.*, which is exclusive of the sum of 12,000*l.* since charged on the consolidated fund for the payment of an annuity to his royal highness the duke of Clarence; and that the above sum exceeds the permanent peace establishment, as stated by the committee of 1786, by 490,997*l.*, of which 42,203*l.* is on account of the increase in the interest and charges of the national debt, 2,000*l.* on account of the interest on exchequer bills, 14,499*l.* on the difference in the charges on the aggregate and consolidated funds, and of the produce of the appropriated duties, 200,000*l.* in the navy, 148,842*l.* in the army, 27,000*l.* in the ordnance, 4,311*l.* in the militia, and 54,142*l.* in the miscellaneous services.

10. "That the exceeding in the estimate stated by the committee of 1791, on the five heads of navy, army, ordnance, militia, and miscellaneous services, above the estimate stated by the committee of 1786, on the same five heads, amounts to the sum of 434,295*l.*

11. "That the select committee of 1791 do not appear to have thought it their duty to inquire into, or to state any opinion respecting the ground or necessity for such increase, under the above heads of service, the estimates and accounts of which come annually under the revision of parliament.

12. "That the expense of the present year, according to the services already

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voted, and exclusive of any extra expense for the present armament, will amount to about the sum of 16,833,920*l.* exceeding the permanent peace establishment of the select committee of 1786 by the sum of 1,355,739—and the enlarged estimate of the committee of 1791 by the sum of 864,742*l.* but that there is included in the above sum of 864,742*l.* an excess of 131,405*l.* upon the navy, which is more than accounted for by the sum voted for the repairs of frigates in merchants yards, which expense will not recur again — and an excess of 107,484*l.* upon the army, which is more than accounted for by no allowance being made in the grants of this year for army savings, similar to that which is made in the estimates of 1786 and 1791, and by an advance of 71,569*l.* on account of troops serving in India, which is to be repaid by the East India company—and an excess of 68,676*l.* upon the ordnance, of which 61,907*l.* arises from the discharge of ordnance unprovided, and also, an excess of 557,177*l.* under the head of miscellaneous services, of which 432,444*l.* is on account of American sufferers, an article of expense expressly excluded from the estimates above mentioned, and the remainder on account of various miscellaneous services peculiar to the present year.

13. "That the select committee, estimating upon an average of the three last years, and adverting to the additional weeks receipt in 1790, have calculated the future probable annual income at the sum of 16,030,286*l.* which exceeds the future expenditure, as estimated by the said committee, by a sum of 61,108*l.*"—that the above income is calculated upon a revenue which appears to have been progressively increasing, and is exclusive of any addition to be expected from the amount of the taxes of 1789, or from the increased produce of the duties on tobacco; and likewise exclusive of the profits of the lottery, which amounted in the present year nearly to 300,000*l.* and of any sums to arise from any incidental or extraordinary resources.

14. "That the money remaining due upon the principal and interest of the American and East Florida claims, which has been directed by parliament to be paid by instalments, is stated to have amounted, on 10th October 1790, to 1,546,062*l.* exclusive of the interest payable on such part of it as remains undischarged, and exclusive also of farther annual payments and pensions to American loyalists, amounting to 54,211*l.* per annum.

15. "That, besides this article so stated by the committee, it appears, from the ordnance estimate inserted in their appendix, that the estimate of the future annual expense of that office is exclusive of such sums as are contained in the estimate of the board of land and sea officers for additional works for security of his majesty's dock yards, and of any other fortifications, or other new works, to be carried on in the West Indies, North America, or elsewhere.

16. "That, during the last five years, the sum of 5,425,592*l.* including 674,592*l.* arising from annuities expired or unclaimed, and from dividends on stock bought, has been applied to the reduction of the national debt; that the sums by which the debt has been increased within the same period appear, by the report of the select committee, to have amounted to 1,602,589*l.*, leaving a balance of 3,822,003*l.* and that the annual interest on the stock bought, and the present amount of the annuities expired or unclaimed, appears to be 254,804*l.* in addition to the million annually charged on the consolidated fund."

As soon as the foregoing resolutions had passed,

Mr. *Sheridan* said, that having given notice of his intention to endeavour to get his resolutions put upon the journals, which could not be done by moving them in a committee, he should now move the first.

Mr. *Pitt* said, that the resolutions having been fully discussed in the committee, he should move the previous question on every one of them.

Mr. Sheridan's resolutions were then severally moved, and the previous question put and carried on all, except the last, which was negatived, on a division, by 34 against 19.

Debate in the Lords, on Mr. Fox's Libel Bill.] June 8. Earl Stanhope moved the order of the day for the second reading of the bill to remove doubts respecting the rights and functions of juries in criminal cases.

The *Lord Chancellor* said, the only objection he had to the bill was, that the purpose of those who had introduced it, was not answered by it as fully as they

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wished; but when he considered the present state of the session, the magnitude and importance of the bill, the circumstance of the law of libels having been settled and fixed for so many centuries, and of there being an intention to make an alteration in that law, he conceived it to be a subject deserving much more deliberation than their lordships could possibly bestow on it in the course of the present session; and therefore, although the bill in its principle met with the concurrence of all those noble and learned friends, with whom he had conversed on the subject, he should move, "That the bill be read a second time this day month."

Earl *Stanhope* said, he was astonished that the learned lord should make such a motion, without having stated a single reason for moving to put off the bill for a month, which was, in fact nothing else but, in other words, to negative it. If he knew the learned lord was a friend to the bill, or to the principle of it, or if the learned lord had alleged a reason why he wished it to be put off till that day month, he should have seen it put of with much less dissatisfaction; but without adducing one argument, one reason, for moving to postpone one of the most important bills to this country, inasmuch as the liberty of the press and the rights of juries were concerned was, to him, matter of perfect astonishment. Their lordships, he said, must protect the people of this country from such arrogance and such usurpation, as had been frequently exercised by judges in their conduct towards juries, in the directions which they had presumed to give them. In saying this, he begged it to be understood that he was not speaking of the conduct of the present judges, he did not mean to censure them, because they had thought it their duty to follow certain precedents; he was speaking of the persons who had set those precedents in former times; he did not blame the present judges for following precedents; though, were he a judge, he should not think himself bound to follow precedents which appeared to him to be unjust and profligate. The hon. and learned gentleman (Mr. Erskine) who had seconded this bill in another place, had not hesitated to state, that if he had been a judge, he should have thought himself bound to decide as the present judges had done in the case of libels.—The question, his lordship said, was neither more nor less than this; whether they were to have any trial by jury, or whether they were to have a jurisdiction as detestable as the star chamber itself? To assert, that it was sufficient for the jury to find the fact of publication, and the sense of the thing published, and that they should not decide the law, the criminal intention, was to destroy trial by jury, root and branch. Four points ought to be decided by the jury; 1. The fact o the publication. 2. The sense of the thing published. 3. The law which made it criminal, for there was nothing criminal, if no law was against it. 4. Whether the act done was done with a criminal intention? He should give one instance, and one would be as good as ten thousand. Suppose a man were bound neck and heels, and a person were to pour down his throat any liquor of an intoxicating quality, and that a seditious paper were put into the man's hands, and by him distributed throughout the country; that paper might be a seditious libel, but, inasmuch as there was no criminal intention in this man's conduct, no one, his lordship presumed, would say there was any guilt. He gave this instance, in order to show that a criminal intention must be proved. Criminal intention consisted of two parts: 1. The intention of publishing a thing; and 2. The criminality of the thing published. It was necessary that those two things should be united, in order to constitute criminal intention; it was necessary that a thing should be published, and that that thing, so published should be criminal. It appeared to him that the leaving these things to be decided by the jury, was what constituted the difference between this country now, and at the period when it was governed by the star chamber; it was that which made the difference between this country and those countries where tyranny was exercised and despotism prevailed. If, then, the bill before their lordships were fit to be rejected, the learned lord ought to have stated his objections, and assigned his reasons; but he had done neither; and till reasons were stated, his lordship declared he should say no more on the subject.

The Lord Chancellor put the question on his own motion, when

Lord *Camden* rose. He said, he understood it to be the wish and desire of the noble and learned lord, that this bill should be postponed, in order that it might receive a fair and full consideration. He said, he himself considered as a single

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individual, should be very far from agreeing to postpone the bill, if it were done for the express purpose of rejecting it altogether. But if more time was asked, merely that they might have a better opportunity of deliberating upon the subject, he, for one, should have no objection to the motion. The defects, he was perfectly convinced, had originated solely in their having escaped the attention of those who brought it forward; and it was to have these defects remedied, that he, as well as several others who were friends to the measure, wished to have it postponed. After the passing of the bill, the law of the land would stand just where it did before the bill was brought in.—His lordship said, he would venture to affirm, and should not be afraid of being contradicted by any professional man, that by the law of England as it now stood, the jury had a right in deciding on a libel, to judge whether it was criminal or not; and juries not only possessed that right, but they had exercised it in various instances. If a jury, notwithstanding any direction from a judge, were to acquit a defendant in the case of a libel, that acquital would stand against all the power in this country, till the present law was changed. On the other hand, if a jury found a defendant guilty, that verdict would stand, unless the court would say the libel was not of a criminal nature, and should think fit to arrest the judgment. With regard to those papers, called seditious libels, there had been a variety of opinions, and his lordship said, that as a matter of delicacy, he should not then enter into those opinions: but, he conceived, that the principal cause of complaint respecting libels, had been owing to the directions of some judges: who had told juries, if they found the publication and innuendos, they must find the defendant guilty. Some judges had told the jury "you have nothing to try but the publication and innuendos." But his lordship conceived that the right of juries to decide the whole matter in cases of libels, was, by the present law, clear and unequivocal; and he pledged himself to the House to prove that if the twelve judges, nay, if twenty-four judges, declared on any given case, put to them on this subject, that juries had not a right to decide upon the criminality, upon the law and upon any fact stated in the record, they were wrong; they acted against the statutes; they acted against the known and positive law of the land; and the strongest and most convincing proof of this was, that the verdict of the jury was final against all the judge could say. He added to this, a matter which he conceived should be imprinted on every juror's mind, that if they found a verdict of the publishing, and left the criminality to the judge, they had to answer to God and their consciences for the punishment that might, by such judge, be inflicted on the defendant, whether it was fine, imprisonment, loss of ears, whipping, or any other disgrace, which was the sentence of the court. His lordship further enforced his opinion and said, "I will affirm that they have that right, and that there is no power by the law of this country to prevent them from the exercise of that right, if they think fit to maintain it; and when they are pleased to acquit any defendant, their acquittal will stand good until the law of England is changed!" — What, then, would be the dispute? Some would say, that the question was, what was, and what was not a seditious libel? Who were capable of judging of the seditious tendency? The jury ought to be, and the jury were by the law of England; but although he had no doubts on this point, others had, and therefore it was necessary to remove those doubts. He would not venture to say what had generally been the direction of judges, but he knew what it ought to be. Some judges had summed up, and given direction to the juries in this manner; "Gentlemen, if the publication is proved to your satisfaction, and the innuendos apply to the subject as they profess to do, that is, if the words have the meaning ascribed to them in the indictment or information, then you must find the defendant guilty." "What! the jury might answer, are we to find the defendant guilty, even although we are of opinion no tumult could be occasioned by the publication, or that none was intended by it?" To which the judge might reply, "Yes, you are." This he did not hesitate to say, was a wrong direction, and a verdict so obtained, was not the verdict of a jury.—But it might be said, that difficulties often occurred to juries, and they might think themselves inadequate to the task of forming a just opinion on the tendency of a libel; or whether in law it would amount to any offence. For this, they had a remedy, which would rescue them entirely from the imputation of impropriety; they might find a special verdict. The meaning of which would be on the part of the jury

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they might say for themselves, "In this case we know not what the law is, without help and assistance; if the law says for the plaintiff, we find for the plaintiff: if the law says for the defendant, we find for the defendant." But this was only in cases of extraordinary difficulty, and even here the judge should interpose nothing but his advice; if he attempted to control them, there was an end of the trial by jury. Indeed, there was no legal power to control them, or to prevent their giving a general verdict in all criminal cases, for if it should even appear that their verdict was wrong, they were not liable to attaint in criminal cases, although in civil cases they were. "Thus," said his lordship, "stands the law. The right of juries in cases of libel is free and entire, and will remain so unless you mean to alter it. If you do, say so, and bring in a bill, declaring that the subjects of this realm shall not in future, be tried by juries, but shall be tried by the judges."—Although he had no doubt on this subject himself, as to what was the law, yet as doubts had been entertained on the rights of juries, he thought this a very necessary bill, in order that all doubt should be removed; for it was essential that juries in this country should not be under the smallest apprehension of restraint. It was essential also, that the press should be free, for a well-conducted press was the greatest engine for the public safety. By the press, the public might be instructed and taught who ought to be ministers, and who ought not. By the press, the people might learn whom they ought to elect as members of parliament, and whom they ought to reject. All these things were essential to the public happiness. As to the seditious tendency of any thing that might be called a libel, a jury only could be competent to decide. Papers that tended to excite sedition, and to calumniate the sacred person of the king, merited, in his opinion, the most severe and exemplary punishment; but on the other hand the paper that reflected upon the conduct of ministry, that pointed out their base and mischievous proceedings, that went to open the eyes of the world, and to teach the people the difference between right and wrong, ought not to be considered as libellous. All the difference on this subject between the judges and the jury, had arisen in cases of public and seditious libels. In matters of private libel, the good sense and honest meaning of both commonly met, and were agreed. It was only in cases of seditious libels, that there had arisen any difficulty or ground of contention. He had long endeavoured to define what a seditious libel was, but had not been able to find any definition, which either met the approbation of his own mind, or could be deemed satisfactory to others. Some would have every censure on the measures of government considered as a libel. If this was the case, every channel of public information would be converted into a mere vehicle of panegyric. The voice of truth would cease to be heard amidst the notes of adulation. Others again, would have only groundless calumnies on government regarded as libels. But who were then to decide? to whom was it left to pronounce, whether what was calledcalumny, was well or ill-founded? It was of consequence that this power should be placed in hands where it was neither liable to abuse, nor open to corruption. By being placed in the hands of juries, it afforded the most probable means of safety, and became the best instrument of justice.—"My lords," said he, "give to the jury or to the judge the right of trial of the subjects of this country; you must give it to one of them, and I think you can have no difficulty which to prefer: place the press under the power of the jury, where it ought to be." He said, he did not apprehend that the bill had a tendency to alter the law, but merely to remove doubts that ought never to have been entertained, and therefore the bill had his hearty concurrence; but, as he was assured that the proposed delay was not hostile to the principle of the bill, but only to take it into serious consideration, and to bring it again forward, he had no objection to the motion of the lord chancellor.

The Earl of *Hardwicke* said a few words in support of the bill, and declared he would rather pass the bill, imperfect as it might be, than postpone an object of so much importance.

Lord *Loughborough* said, that the bill was a declaratory bill: it was not a bill to make that law which was not supposed to be law, but to declare and explain what was understood to be, at that instant, the law of the land. Whatever ingenuity had been displayed, and however great had been the candour, the information, and correctness of those who had conducted it in another place, his lordship really

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thought that the subject had not yet been discussed with that deliberation, that its importance required; and, when there was an opportunity of taking the bill into consideration, that their lordships would receive better information, than, from the state of the House of Commons, it was possible for that House to have received. His lordship said, that it had been taken for granted, in conversations in the House of Commons, that some courts had adopted a line of direction so clear, so established, so legal, and concurred in by all the judges to such a degree, that a deviation from it, even by those who might be convinced in their consciences that it was wrong, must be held to be a deviation from the law of England. Now, such an opinion could only be collected from a report of what passed in court on a motion for a new trial, or from what passed at Nisi Prius. His lordship begged leave to declare, that neither of these, nor both of them, were a safe foundation for determining any point to be the law of England. Their lordships had the advantage of being attended by the learned judges. Had it been possible to have entered into the subject then, it was his intention to have moved for the attendance of the judges, who would have delivered their sentiments, with regard to what the law of England was with respect to those directions. He declared his intention, when the bill should be discussed, to put some questions to the judges, which from their acquaintance with the subject, they were most peculiarly qualified to solve. At the same time, he wished to guard against every idea of opposition to the bill, or the smallest hostility to its principle. In his lordship's apprehension, nothing that passed in court on a motion for a new trial, or at Nisi Prius, was a foundation of sufficient weight and authority for a precedent; it was not sufficient to say, that such a charge, or such a direction, was what the law required, and that there was no other agreeable to the law of the land. He was by no means averse to the principle of the bill; it was agreeable to what he conceived the law to be; it was agreeable to the direction which he had always given in cases of libels, and to what he should always give, till he was better informed. If the result of the opinion of the judges should be, that the law of England was not according to the directions of the bill, then another consideration would occur, namely, whether the law ought or ought not to be altered. The law should be well understood by those who took upon themselves to declare it. On these grounds, he was opinion, that they were at a period of the session, when, consistently with the respect that was due to themselves, to the subject, to the rights and to the tranquillity of England, they could not proceed farther in the business; he therefore hoped their lordships would proceed in it early in the next session.

Lord *Grenville* concurred in what had been stated by the noble lord who had just sat down; but at the same time that he did so, he should be extremely sorry, if it should go forth to the world, that administration were against the bill, or unfriendly to the rights of juries. The interests of administration, and the interests of the people were one and the same; the object of both was good government; he should therefore be sorry, if it were conceived that the postponement expressed any thing like the sense of that House against the bill. When their lordships considered the bill as a subject of very serious importance, they would clearly see they could not at present determine the business to their satisfaction. He spoke in the presence of those who possessed the greatest experience and the greatest abilities; it belonged to them more than it did to him to give an opinion on this subject; he, however, should vote for the postponement of the bill. In what had been given out to the world, as the idea of the principle of the bill, and as the object to be obtained by it, he felt himself very much inclined to concur; but with respect to the means of obtaining that object, with respect to the particular framing of the bill, or of any enacting bill on the subject, and much more with regard to declaring what the law was, he could not help feeling, that their lordships should not proceed without the assistance of those from whom a declaration of the existing law must come with much more weight and authority, than from any other quarter. A case might possibly arise, in which even those learned persons might state a declaration of law, in which their lordships might be unwilling to concur; they might state a case, which their lordships might not be willing to consider as being law. If their lordships' opinion happened to be contrary to that of the learned judges, their lordships would doubtless employ a great deal of attention, deliberation, and examination on the subject,

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before they would declare to the whole country, that not to be law, which the judges declared to be law. They would consider these two points: in the first place, in what manner the bill would affect other questions of law, in which the judges might be called upon for their assistance; in the second place, they would be extremely cautious not to enact a future law in such terms as might leave the question more difficult to be decided, and more liable to debate and altercation, than any existing law upon the subject. It was for these reasons, that he must concur with those who were of opinion, that the consideration of the business ought to be postponed: declaring, at the same time, and wishing to be distinctly understood, that he did not postpone the bill because he felt himself hostile to the general principle of it, but he wished to postpone it, because he was insufficiently informed, and least of all, did he postpone it, with the idea that no measure ought to be taken on the subject. On the contrary, he was ready then to state, that he thought it of great importance, and of urgent and pressing necessity, that their lordships and the parliament should take some measure on the subject. A great doubt unquestionably did prevail: that doubt ought to be settled, with a view to the interest which the public had in both parts of the question; for it was idle to suppose that, in a subject of that sort, there was one interest in government, and another in the people. Advantage should not be taken of that unquestionable principle by diffusing ill-founded calumny and seditious papers: and on the other hand, it was the interest of government to maintain a free constitution, as far as was consistent with the execution of the laws; it was therefore the interest of government that there should be a full and free discussion of all public measures: a proper and decent discussion of all matters of public concern. Those who enter into such discussions, ought to remember, that they did it under the security and protection which they received from the laws of their country. There was nothing at present in the administration of justice, which could give the smallest ground of complaint on this subject. He would venture to affirm, that the officers of the crown, whose duty it was to prosecute papers of a seditious sort, and the respectable magistrates who dispensed the law, had for many years conducted themselves with the utmost propriety; and that there never was a period, in the history of this country, when the administration of justice, in that respect, had been not only more unexceptionable, but had been more mild and less excepted against. In the future consideration of this business, their lordships would, he hoped, have that assistance, without which they could not be sufficiently informed, and with which they would be enabled to settle the law for the advantage of the constitution of the country, and in a manner that would give satisfaction to the public mind.

Earl *Fitzwilliam* agreed that they were then arrived at a period of the session, when it was not probable they would be able to go through the bill in a way worthy of its importance.

The Marquis of *Lansdown* said, he should have thought delay necessary, had the bill required either extensive information or deep research. The present was not the first bill on the subject that had been introduced into parliament: upwards of twenty years ago, a bill of the same nature was introduced, which was negatived merely on the ground that the law then stood exactly as the bill meant to establish it, and that therefore the bill was unnecessary. He recollected that that bill created as great a ferment among the people as any bill that, in his memory, had ever been brought before the public. He well remembered the time when prosecutions of the press were frequent; when printers were brought repeatedly in every session to the bar of both Houses, but especially of that House, to be examined, re-examined, and committed: and when there passed scarcely a term without some prosecutions for libels in the courts of Westminster-hall. Those prosecutions, he observed, had, in a great degree, subsided, till a very late period, when they had recommenced, and shown a tendency to revive. Public animadversion, however, had enjoyed and obtained its full scope. The House of Commons itself was not in a state to be exempt from animadversion, and the public prints and the public, treated both houses of parliament with more freedom, than they formerly durst treat an individual. Such a use of the press, he thought highly justifiable, but it must be acknowledged, that the freedom of the press had been attended with numberless inconveniences: it was true, that a scandalous and shameful abuse of the liberty we enjoyed had obtained; that it was

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abused to licentiousness. Even that sex which met with protection in every country where a spark of virtue remained, was grossly libelled in this country. The best and most eminent men; the best, the noblest blood in the kingdom could not protect their families, their wives, and daughters, from the most scandalous reflections. Neither the noblest blood, nor the purest virtue, were secure; it neither respected rank, nor regarded sex. It did not hesitate to blast the fame of innocence, to brand merit with infamy, to wound the feelings of individuals, and destroy the peace of families. To his own certain knowledge, our foreign negociations had suffered materially from the scandalous freedom of the press, meddling with subjects of which they had no knowledge, or, what was ten times worse, set on by mercantile men, to influence negociations in their own favour.—The marquis said, he had never condescended to commence a prosecution, or even to desire a contradiction of those scandalous reflections which had been poured upon him by the hirelings of both parties. The public judged of men from their actions; he was in no hurry to justify himself from the calumnies that had been poured forth against him personally for many years together: time would doubtless do justice to his motives. He had no particular object in view. Although he had never applied to any of the public prints, to get any report contradicted which had appeared against him, he had once made an application to get a paragraph contradicted, which might have been of material consequence to the affairs of a minor peer, who was his ward. He did not wish to name the particular paper, because he did not wish to encounter so formidable an enemy as a newspaper: but he assured their lordships, that to such a degree of insolence and audacity was the press arrived, that he was obliged to exert all his address and influence, in order to get a notorious lie contradicted. Many things were inserted in the newspapers for the purpose of mean intrigue, for the purpose of being read elsewhere, and reflecting upon the characters of their governors and rulers. He never knew in the whole course of his life a more formidable foe than a printer was, and with whom he would have no contention: for it was a very dangerous warfare. Some remedy for this evil had long been wanted. His lordship wished that liberty might be enjoyed in this country in its fullest extent. He never wished to see the liberty of the press curtailed, but only its licentiousness. He was an adherent of no party, but a friend to laudable measures, from whatever quarter they proceeded. On this ground he had taken up the present bill, which he judged admirably calculated to answer the purposes for which it was intended, to remove those doubts which subsisted respecting the rights of the judge and the jury, and put an end to those differences which had operated so much to the disgrace of our jurisdiction, and the obstruction of justice. The decision of juries was in all cases, an object of confidence. Guided by good sense and honest intentions, there was little reason to distrust either the prudence or justice of their decision. The bill would give them a distinct trial by jury. How could it possibly be conceived, that the subject of libels could be fairly tried, when disputes continually occurred between the bench and the jury? The judge often told the jury they had nothing at all to do with the law in the case of libels. In consequence of such altercations, personal feeling and a contest for jurisdiction, were too frequently substituted in the place of important considerations, and the jury, in nine cases out of ten, lost sight of the cause altogether, and vindicated their own rights. Whenever a political libel was tried it equally became a dispute between the judge and jury, which of them had jurisdiction.—They had been told by a noble lord that they ought to wait, that they might have an opportunity of comparing the analogy that there was between a libel and other cases. What possible analogy could there be between a libel and other cases, his lordship asked, since it had been universally acknowledged, that a libel was an anomaly? There might be a distinction between murder and manslaughter; in civil cases, likewise, there might be a number of nice distinctions; but the case of libels lay out of the question, and in every such case, law and fact were but one thing; and where, in God's name, could it be so safely entrusted as to twelve men, and how much better was it for the judge to be freed from such a critical duty, in all cases of libel, whether it were a public or a private libel? With what propriety might the judge address the jury in this manner: "gentlemen, you will recollect, that men of the highest rank have been

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attacked, but in this country, rank makes no difference, so long as the feelings of virtue are considered." If it was a private libel, the judge would desire the jury to bring the case home to themselves and would ask them how they should like to have the characters of their wives or daughters traduced in that manner? If the libel was of a political nature, and if a secretary of state wanted to go on with such a political negociation, was there a jury who would hesitate a single instant about it? Would the jury not perform their duty? Was it possible to entertain for a moment the smallest doubt on the subject? And how much better would it be, for a judge to act in this manner, than to be subject to the base aspersion that he was the instrument of a minister, or the instrument of arbitrary power, to advance a party, and gain emolument himself! What a base, what a dishonourable thing! If the whole power were lodged in the jury, and if the prosecutor could expect no favour from the great man on the bench, a prosecution for a libel, instead of being accounted mean, would be considered as honourable, when the greatest and first men in the country submitted themselves to the judgment of a jury. When judges confined themselves to their own province, to aid the jury by their advice, experience, and authority, without attempting to influence their decision, they should then have his best wishes, and he should with pleasure see them in possession of that favour, and those honours, to which they became entitled, from the faithful discharge of their important duties. The noble marquis passed many encomiums on lord North, and pronounced Mr. Erskine a heaven-born advocate for the hand he had in bringing in the bill before their lordships, which did Mr. Fox immortal honour. His lordship said, he wished to do ample justice to the judges, both past and present, although he might have differed from some of them in certain political opinions, and he was the more disposed to do that in their absence, as it could only be imagined that he did it from a perfect conviction and real consciousness of their high merit, their distinguished abilities, their profound knowledge, and from a consciousness that they were an honour to their country. His lordship said, there was a bill on the table sufficient to convince all mankind of the nobleness of mind which the author of it (lord Kenyon) possessed. The bill he alluded to, was a bill for abolishing the office of clerk of the assize. Their lordships might know, that the 5th and 6th of Edward 6th. prohibited the sale of any office, except by the two chief justices and judges of assize. It was well known, that when prisoners had nothing else to detain them, they were kept in gaol by the fees which they were obliged to pay to clerks of the assize. This was fully explained in a book which was well worthy of their lordships perusal, Mr. Howard's book on gaols. Prisoners very often, who had been honourably acquitted, when there was not the smallest suspicion of their guilt, instead of receiving an indemnification for the time they had been detained in gaol, were obliged to pay large sums to the clerks of assize. Nay, so much were prisoners persecuted by such fees, that they were very often tempted to be found guilty, though conscious of their innocence, merely to avoid expenses. By the bill on the table, the noble and learned lord had immortalized himself. Although this appeared to be an act of so much virtue, he was not sure that the House of Commons had not so modified and altered it, as in a great measure to have defeated the benevolent purpose of its noble author. He hoped the same nobleness of mind would be carried a step farther, and get that clause in the act of Edward 6th. repealed, which excepted chief justices and judges of assize, and allowed them to do that which the act stated to be base and scandalous in any other man. The bringing in of the bill, respecting the office of clerks of assize, was an act of a single nature and of a single kind. He knew the virtue, the disinterestedness, the honesty and integrity of the noble lord who had brought in that bill. Although he was not so much acquainted with the chief justice of the Common pleas, yet from what he had long observed of his public character, and his public arguments, the very same observation was applicable to him. A learned lord, who was then no more, and whose memory he deplored, (lord Ashburton), had signified his intention, if ever he filled the situation of the noble lord who had brought in the assize bill, to move for a repeal of that villainous act of parliament, to which he had alluded. The bringing in of such a bill, was the noblest act of humanity that had been done these forty years. He wished to see the rights of juries com-

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pletely established, and that the judges should afford them the benefit of their wisdom and good sense, and put themselves on a level, abandoning that abominable clause in that villainous act of parliament rendered so by that particular clause. He should not then be afraid to see them in that House, and should be the first to applaud them and to look up to them with reverence; although he did not think that the profession in general were friendly to liberty, yet he was of opinion, that profession could do more for it than any other class of men, from their weight, influence, and authority.

The Lord Chancellor then put the question on his own motion, which was carried; in consequence of which, the bill stands over till the next session.

Protests against putting off the Libel Bill.] The following Protests were entered on the Journals:

" Dissentient,

1st, " Because we hold it to be an unalienable right of the people that, in cases of libel (as well as in all criminal cases), the jury should decide upon the whole matter that may constitute the guilt or innocence of the person accused, and that in cases of libel, the jury ought not to be directed by the judge to pronounce the defendant or defendants guilty, merely on the proof of the publication by such defendant or defendants of the paper charged to be a libel, and of the sense ascribed to the said paper in the indictment or information.

2dly, " And because we conceive that the said right of the people is of the utmost consequence to the freedom of this nation, and to that bulwark of its rights, the liberty of the press.

3rdly, " And because we conceive that the bill sent from the Commons is well calculated to convey a parliamentary declaration and enactment of the said important rights of the people, and because we conceive every delay of such declaration and enactment to be in the highest degree dangerous to the safety of the subject.

4thly, " And because we conceive that we cannot with propriety refuse our immediate assent to propositions which no person in the debate did deny to be salutary; and because we conceive that this delay tends to give countenance to doubts that we apprehend to be utterly ill-founded, and to encourage a contest of jurisdiction that can only be injurious to the regular and impartial administration of justice in this kingdom.

(Signed) STANHOPE.

" For the first and second reasons,

(Signed) RADNOR."

" Dissentient,

1st. " Because we conceive, that the bill sent from the Commons is of the highest importance for the preservation of the rights of juries; and that considering the different opinions which have prevailed of late years with respect to this subject, we conceive every delay of a parliamentary declaration and enactment to be dangerous in the highest degree to the safety of the subject.

2dly. " Because whatever difference of opinion may subsist in regard to the existing law, there seems to be so general a concurrence with respect to what ought to be the law in future, that we cannot, with propriety, refuse our immediate assent to provisions, which are admitted to be salutary, on the ground of requiring time to ascertain how far the late practice of the courts is or is not justifiable by the law of the land.

(Signed) WENTWORTH FITZWILLIAM,
LAUDERDALE,
PORCHESTER,
PORTLAND,
HAY."

The Speaker's Speech to the King at the Close of the Session]. June 10. His Majesty came in the usual state to the House of Lords, and being seated on the throne, the gentleman usher of the black rod went to the House of Commons, and commanded their immediate attendance, when he returned with the Speaker and other members. As soon as the Speaker came to the bar, he addressed his Majesty to the following effect:

" That he held in his hand a bill enabling the governor and company of the bank of England to pay into his majesty's exchequer 500,000*l.* which closed the supplies granted by his majesty's most faithful Commons for the services of the year. That in the course of a long and laborious session, his majesty's faithful Commons had given a recent instance of their duty and attachment to his majesy's royal person, by making a provision out of the aggregate revenue of the kingdom, for the relief of the civil list, from an expense necessary to the maintenance and support

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of one of the younger branches of his majesty's royal and august family. That feeling the blessings of our own happy and established constitution, his majesty's faithful Commons had, on the same principles, provided a government for his majesty's province of Quebec. That his majesty's faithful Commons had provided for the maintenance of his majesty's crown, by coming to an unanimous vote to enable his majesty to agument his navy, in order to give weight to his majesty's negociations for restoring peace to the contending powers."

The King's Speech at the Close of the Session.] The royal assent being then given to several public and private bills, his majesty made the following most gracious speech:

"My Lords and Gentlemen;

"In closing the present session of parliament, I cannot omit expressing my satisfaction in that zeal for the public interests with which you have applied yourselves to the consideration of the different objects which I recommended to your attention.

"The measures which have been adopted for defraying the extraordinary expences of the last year, in such a manner as not to make any permanent addition to the public burthens, and the provisions which have been made for the good government and prosperity of my subjects in Canada, call for my particular acknowledgments.

"Gentlemen of the House of Commons;

"I return you my thanks for the readiness with which you have granted the supplies necessary for the public service, and for the proof of your affectionate attachment, in enabling me to provide for a part of the charges of the younger branches of my family, out of the consolidated fund.

"My Lords, and Gentlemen;

"I am not yet enabled to inform you of the result of the steps which I have taken with a view to the reestablishment of peace between Russia and the Porte. It is my earnest wish that this important object may be effectuated in such a manner as may contribute to the preservation and maintenance of the general tranquillity of Europe. I feel with the greatest satisfaction, the confidence which you have reposed in me, and my constant endeavours will be directed to the pursuit of such measures as may appear to me best calculated to promote the interests and happiness of my people, which are inseparable from my own."

The parliament was then prorogued to the 16th of August; and was afterwards further prorogued to the 31st of January 1792.

SECOND SESSION
OF THE
SEVENTEENTH PARLIAMENT
OF
GREAT BRITAIN.

The King's Speech on Opening the Session.] January 31, 1792. The king came in state to the House of Peers and opened the Session with the following Speech to both Houses:

"My Lords and Gentlemen;

"The many proofs which you have given of your affectionate attachment to my person and family, leave me no doubt of your participating in the satisfaction which I derive from the happy event of the marriage which has been celebrated between my son, the duke of York, and the eldest daughter of my good brother and ally, the king of Prussia; and I am persuaded I may expect your cheerful concurrence in enabling me to make a suitable provision for their establishment.

"Since I last met you in parliament, a definitive treaty has been concluded, under my mediation, and that of my allies, the king of Prussia, and the states general of the United Provinces, between the emperor and the Ottoman Porte, on principles which appear the best calculated to prevent future disputes between those powers.

"Our intervention has also been employed, with a view to promote a pacification between the empress of Russia and the Porte; and conditions have been agreed upon between us and the former of those powers, which we undertook to recommend to the Porte, as the re-establishment of peace, on such terms appeared to be under all the existing circumstances, a desirable event for the general interests of Europe. I am in expectation of speedily receiving the account of the conclusion of the definitive treaty of peace, preliminaries having been some time since agreed upon between those powers.

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"I have directed copies of the definitive treaty between the emperor and the Porte, to be laid before you, as well as such papers as are necessary to show the terms of peace, which have been under discussion during the negociation with the court of Petersburgh.

"I regret that I am not yet enabled to inform you of the termination of the war in India: but the success which has already attended the distinguished bravery and exertions of the officers and troops under the able conduct of lord Cornwallis, affords reasonable ground to hope that the war may speedily be brought to an honourable conclusion.

"The friendly assurances which I receive from foreign powers, and the general state of affairs in Europe, appear to promise to my subjects the continuance of their present tranquillity. Under these circumstances I am induced to think that some immediate reduction may safely be made in our naval and military establishments; and my regard for the interests of my subjects renders me at all times desirous of availing myself of any favourable opportunity to diminish the public expenses.

"Gentlemen of the House of Commons;

"It will, I am persuaded, give you great satisfaction to learn that the extraordinary expences incurred in the course of the last year have, in a great measure, been already defrayed by the grants of the session. The state of our resources will, I trust, be found more than sufficient to provide for the remaining part of these expenses, as well as for the current service of the year, the estimates for which I have directed to be laid before you.

"I entertain the pleasing hope, that the reductions which may be found practicable in the establishments, and the continued increase of the revenue, will enable you, after making due provision for the several branches of the public service, to enter upon a system of gradually relieving my subjects from some part of the existing taxes, at the same time giving additional efficacy to the plan for the reduction of the national debt, on the success of which our future ease and security essentially depend.

"With a view to this important object, let me also recommend it to you to turn your attention to the consideration of such measures as the state of the funds and of public credit may render practicable and expedient towards a reduction in the rate of interest of any of the annuities which are now redeemable.

"My lords and gentlemen;

"The continued and progressive improvement in the internal situation of the country will, I am confident, animate you in the pursuit of every measure which may be conducive to the public interest. It must, at the same time, operate as the strongest encouragement to a spirit of useful industry among all classes of my subjects, and, above all, must confirm and increase their steady and zealous attachment to that constitution which we have found, by long experience to unite the inestimable blessings of liberty and order, and to which, under the favour of Providence, all our other advantages are principally to be ascribed."

Debate in the Lords on the Address of Thanks.] His Majesty having retired, the Speech was again read by the Lord Chancellor; upon which,

The Earl of *Chesterfield* said:—It is with peculiar pleasure that I rise to move an address to his majesty on his most gracious speech from the throne. That speech speaks to every bosom, and I am sure I shall have the concurrence of every noble lord in the address which I shall have the honour to propose: the first part of which will be to felicitate his majesty on the happy marriage of the duke of York, with a princess of the illustrious house of Prussia, by which we have not only the prospect of securing to the nation the blessings derived from the royal family, but farther to strengthen the advantageous alliance which subsists between this country and Prussia. His majesty is graciously pleased to inform us that his mediation has happily restored peace between the emperor of Russia and the Porte, and that preliminary articles are agreed upon between the empress and the Porte. I understand that all the papers relating to this subject will be laid before your lordships, by which you will be able to satisfy yourselves on the wisdom and propriety of the measures devised by his majesty. The successes of our arms in India, through the bravery and exertion of our officers, and the conduct of lord Cornwallis, are a proper subject for congratulation, and we most heartily join with his majesty in expressing our hopes, that these successes will soon bring the war to a happy conclusion. It must be truly gratifying to your lordships to hear the

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assurances which his majesty has received from neighbouring powers, by which we may be able with safety to make reductions in our expense, and still more so, that the wonderful increase in our revenues will enable us to ease the people of a part of their burthens. His lordship then moved the following Address:

"Most Gracious Sovereign:

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, beg leave to return your majesty our humble thanks for your majesty's most gracious speech from the throne.

"Permit us to express to your majesty, that deeply sensible of the many blessings which we enjoy under your majesty's auspicious reign, we eagerly embrace the first opportunity to offer to your majesty our dutiful congratulations on the happy event of the marriage of his royal highness the duke of York with the princess royal of Prussia; and we beg leave to assure your majesty of the sincere and heartfelt satisfaction which we derive from every circumstance that adds to your majesty's domestic happiness, and affords us a fresh security for the continuance of the government of these kingdoms in your majesty's illustrious line. Strongly impressed with these sentiments, we shall, with the greatest cheerfulness, concur in the necessary measures for making a suitable provision for the establishment of their royal highnesses.

"We feel great satisfaction in learning that the war between the emperor and the Ottoman Porte has, under the mediation of your majesty and your allies, been terminated by a definitive treaty, on such principles as appear to your majesty the best calculated to prevent future disputes between those powers; and that a progress has been made towards a pacification between the empress of Russia and the Porte.

"We return your majesty our sincere thanks for your condescension and goodness in the communication of a copy of the definitive treaty between Austria and the Porte, and of those papers respecting the negociation with the court of Petersburgh, which your majesty has been graciously pleased to direct to be laid before us.

"We join with your majesty in regretting the continuance of the war in India; but we have seen with great satisfaction the success which has already attended the bravery and exertions of the officers and troops under the able conduct of lord Cornwallis; and we trust the war will by their efforts speedily be brought to an honourable conclusion.

"We learn with peculiar satisfaction that the friendly assurances which your majesty receives from foreign powers, and the general state of affairs in Europe, appear to your majesty to promise a continuance of our present tranquillity: and we acknowledge your majesty's paternal goodness manifested in your desire to embrace every opportunity for diminishing the public expense by such reduction of the establishment as may be found to be practicable and expedient.

"Every circumstance in our present situation must lead us to reflect, with the deepest gratitude, on your majesty's unremitting anxiety for the welfare of your people; and must confirm and strengthen in the minds of all your majesty's subjects, our steady and zealous attachment to that constitution which we found by long experience to unite the inestimable blessings of liberty and order, and which we consider as being, under the favour of Providence, the principal source of all our present advantages."

Lord *Mulgrave* seconded the motion of the noble earl, who had with so much ability stated the arguments which forcibly called on the House to agree with him in carrying up their acknowledgments to the throne, that it was not necessary for him to say one word in addition.

Viscount *Stormont* observed, that the noble earl who moved the address had said, that all the papers relative to the mediation between Russia and the Porte, should be produced. This fact he hoped to see substantiated. He was no advocate for an indiscriminate disclosure of papers; but he wished it to be understood, that, in the case of our mediation here, all the papers ought to be submitted to us, and, if they all were, he pledged himself to prove, that, so far from having merit for protecting the Porte, and for procuring better terms than they would have gained otherwise, ministers, if they had any merit at all, had merit for having done nothing; for having abandoned all the plans which they had formed, and which they unwisely announced last session. He promised to prove, that, so far from accomplishing a peace on the basis of the *status quo*, they yielded to those demands of the empress, which had been made be-

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fore their interference. From the terms of the address, it would seem as if to our interference were to be attributed the conditions which the Porte had received. If this was intended to be insinuated, he disputed the fact: for he had reason to believe that the last memorial presented at Petersburgh by our court, was on the 22nd of July; and on the 9th of August the preliminaries were signed. Here was an interval, he would take upon him to say, in which it was not possible for the swiftest courier to carry that memorial first from Petersburgh to Constantinople, and afterwards from thence to Sistova; so that that memorial could not have had any effect in producing the preliminaries. The truth was, it had none whatever. The Porte found out the true character of their mediator, too late unfortunately to save the effusion of blood; too late to save themselves from enormous expense; but time enough to save themselves from utter ruin. They found that they were deluded and ensnared; that the power which affected to mediate for them, had neither ability to protect them, nor influence, nor disposition; and they found it necessary for them to accept of the terms originally held out by the empress. The speech dwelt strongly on the prosperous state of the kingdom. The kingdom was prosperous, and the truth of that fact must give pleasure to all its well-wishers. The revenue had increased so as to preclude the necessity of new taxes for new armaments. This, however, was no feather in the minister's cap. A variety of unexpected circumstances had occasioned it. There was one point on which he begged the indulgence of the House for a few words: it was an important one—the constitution of this country. Many pamphlets had lately been published, various bills distributed, and some extraordinary public meetings held: but on this subject he could take upon him to say, that in parliament there was but one voice, and in that voice the people constitutionally united. The voice was "Our constitution shall be immutable." Modern reforms were mere phantoms, that led from certain happiness to real ruin. Our constitution, in its present form, was the most perfect, the most wise, and the most happy system of government that ever the wisdom of man framed: its basis was natural justice, and its construction promised long continuance.

Lord *Grenville* said, that the patriotic and manly manner in which the noble viscount had declared his sentiments on the subject of the constitution, demanded his cordial approbation. The noble viscount had proved, that, however we might differ on particular measures, amidst all the jars and dissonance of parties, we were unanimous in principle. There was a perfect and entire consent in the love and maintenance of the constitution as happily subsisting. It must undoubtedly give concern to their lordships to find that the time was come, when there was propriety in these expressions of regard to the constitution, and that there were men who disseminated doctrines hostile to the genuine spirit of our well-balanced system. He was convinced that there was no danger to be apprehended from their attempts; but it was consolatory to know, that, if ever there should arise a serious alarm, there was but one spirit in that House; and that carrying up, as we did an unanimous assurance to the throne, of our inviolable attachment to the constitution, his majesty would know that he had in us united defenders of it in the hour of danger. He lamented that so many productions of a pernicious tendency should daily spring from the press, and abuse one of the boasted liberties of an Englishman.

The address was agreed to *nem. dis.*

The King's Answer to the Lords' Address.] His Majesty returned this answer to their lordships' address:

"My lords; I thank you for this very dutiful and loyal address. The expressions of your affection towards my person and family, and of your zealous attachment to that constitution from which we derive so many advantages, are peculiarly acceptable to me; and I receive with great pleasure your congratulations on the marriage of my son, the duke of York, with the eldest daughter of my good brother and ally the king of Prussia, and the assurances of your readiness to concur in making a suitable provision for their establishment."

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House, his Majesty's speech was read by the Speaker. After which,

Mr. *Charles Yorke* said, that the speech which the House had just heard, and to

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which he now rose to move an answer, contained so many gracious expressions of regard and affection, as he doubted not would secure the spontaneous and unanimous thanks of the members. But it contained likewise something more; it afforded information of a nature which must be highly gratifying to every lover of his country. The first paragraph was matter of much congratulation. The great body of the people were attached to the house of Brunswick on the most solid ground, from the experience of their virtues and excellent administration. Attached to them on this ground, they could not but rejoice in every circumstance that tended to advance their welfare, and secure the continuance of their government. To all who wished well to the succession, the late marriage of the duke of York with the eldest daughter of the king of Prussia was a most desirable event. The princes of the house of Hanover, from the experience of near a century, had shown themselves to be the friends of real liberty and freedom. The additional security and support which this country would receive from that illustrious marriage, as well as the comfort and satisfaction derived to his majesty, as a father and a man, would afford matter of the highest congratulation; and he was assured that the members would cordially concur in providing such an establishment for the duke and duchess of York, as may be suitable to their exalted rank. The second paragraph informed them, that a definitive treaty had been concluded under the mediation of his majesty and of his allies, between the emperor and the Ottoman Porte; and likewise, that his majesty's intervention had been employed to promote a pacification between the empress of Russia and the Porte; and that he was in expectation of speedily receiving the account of the conclusion of the definitive treaty of peace, preliminaries having been some time since agreed upon between those powers. It was not his intention to dilate on the important topics to which this part of the speech referred. His majesty mentioned, that he had directed to be laid before the House such papers as were necessary to show the terms of peace, which had been under discussion during the negociation with the court of Petersburgh. Till those papers had been produced and examined, all consideration of the question ought to be suspended. It was from those only that the members could be enabled in consequence to form a proper decision. But, in the mean time, it would certainly become the House to return thanks to his majesty for the progress which, under his mediation, had been already made in re-establishing peace and tranquillity, and for the communication of those papers which he had directed to be laid before them. The true system of British policy was to preserve the powers of Europe in the same situation with respect to one another, and hold the balance equal. It was our interest, as a commercial nation, not only to cultivate peace at home, but to direct our endeavours to the maintenance of general tranquillity. The principle and the mode of interference which his majesty had adopted, had already, indeed, received the sanction of the House, and the necessary supplies for the purpose had been voted last session. The treaty effected between Russia and the Porte was best adapted to secure their future tranquillity. It tended to extinguish the sparks of animosity, and to prevent the feelings of ignominy, which might remain from the remembrance of any humiliating concession. It defined boundaries which before were less clearly ascertained, and assigned to their proper master territories which were liable from their situation, to be productive of jarring and hostile claims.—He would now advert to what his majesty had said of the affairs of India. It was not necessary to prove that the war in that country was just and necessary; this war after a full discussion of these particulars, had already received the sanction of the House. They must, however, join with his majesty in regretting that it was not yet terminated, and receive with satisfaction his assurance that there was reasonable ground to hope that it might speedily be brought to an honourable conclusion. The exertions which had been made by the commanders and army, in spite of the difficulties which they had to encounter, entitled them to the highest praise. Seldom had greater advantages been obtained in one campaign, and there was reason to think that the successful issue had only been retarded by those natural obstacles inseparable from the situation, and from the circumstances in which the war was carried on. Nor could he, on this occasion, fail to remark the excellent behaviour of all the departments in co-operating with the commanders and

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troops, to promote the interest of the war —a behaviour so different from what had taken place in the last war, where sir Eyre Coote had experienced so many difficulties, from want of support. These difficulties, however, were not found to stand in the way of his success, and had only served to enhance his glory; nor could he forbear to avail himself of the opportunity which thus presented itself, of paying a tribute to the merit of that illustrious commander.—With regard to the situation of this country, it must afford every friend of the national prosperity the sincerest satisfaction, to be assured by his majesty of the pacific intentions of the other powers. The highly prosperous state of the revenue was not of difficult proof, nor required to be long insisted upon. They were certainly obliged to his majesty for his intention of reducing the establishment, with a view to lighten the burthens of the public taxes. He was himself no friend to a diminution of establishments. He considered those which were existing as necessary to the safety of the country, and the protection of its commerce. But if the situation of the country was such as to admit of reducing the establishments, he would most cheerfully concur in the measure. He was sensible that economy was no less necessary to be observed with them, than with regard to the other branches of the public expense.—The next article of the speech directed their attention to the reduction of the taxes. The solicitude to ease the necessary load of public impositions, bore the strongest testimony to his majesty's paternal feelings. It became them, by their exertions, to second his zeal, and immediately adopt some methods for this desirable purpose.—The conclusion of the speech was particularly deserving of attention, and ought not only to be strongly impressed upon their minds, but treasured up in their memory, and handed down as a lesson of instruction to posterity. The last speech of an illustrious personage, who was regarded as the hero of the Protestant cause, and whose name would remain to the last syllable of recorded time, was carefully preserved both in this country and in Holland; and even framed and hung up, that it might be more effectually protected from injury, and more forcibly calculated to arrest notice. The present speech of his majesty was entitled to an equal degree of respect and regard. For what avail our prosperity, the prospects of permanent tranquillity, the boundless extent of our commerce, the overflowing riches of our treasury, if we are wanting to ourselves? What avail the blessings of liberty, if we lose the sense of order, or wantonly violate its bounds? If we abuse the advantages which we now enjoy, we shall forfeit them for ever. We shall seem to have ascended a height only to render our fall more conspicuous. Let us add, then, to our felicity, the instructions which we may derive from the misfortunes of others; it will form its best safeguard. What advantages have we in prospect, which could at all compensate us for the risk we should run, by attempting a change of our situation? We should resemble the valetudinarian, who was well, wished to be better, and found himself in his grave. Let us then preserve a sense of those high privileges which we enjoy under our present government, accompanied with gratitude to his majesty, who, in his speech, has afforded us so many expressions of his paternal affection and attention to our happiness. Mr. Yorke concluded with moving,

"That an humble Address be presented to his majesty, to return his majesty the thanks of this House, for his most gracious speech from the throne: to offer to his majesty our cordial and dutiful congratulations upon the nuptials of his royal highness the duke of York; and to express the great satisfaction and joy of his faithful Commons on this happy occasion, which may furnish an additional security to the many blessings which this country has enjoyed under the mild and auspicious government of his majesty, and his illustrious family: that, impressed with these sentiments, we shall chearfully proceed to make such provision for the establishment of their royal highnesses the duke and duchess of York, as shall be suited to their rank and dignity: to express our satisfaction at learning the progress which has been made towards the restoration of general tranquillity: to acknowledge his majesty's condescension and goodness, in communicating to us the result of the negociations in which his majesty has been engaged with foreign powers; and in having been graciously pleased to order copies of the definitive treaty between Austria and the Porte to be laid before us; together with such papers as are necessary to show the terms

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of peace which have been under discussion, during the negociation with the court of Petersburgh: to express to his majesty, that, although we cannot but regret that his majesty is not yet enabled to inform us of the termination of the war in India, we reflect, with just satisfaction, on the success which has already attended the distinguished bravery and exertions of the officers and troops under the able conduct of lord Cornwallis; and we rejoice that his majesty sees reasonable ground to hope that the war may be speedily brought to an honourable conclusion: that we are happy to learn, that the friendly assurances which his majesty receives from foreign powers, and the general situation of affairs, induce his majesty to think, that some immediate reduction may safely be made in our naval and military establishments; and that we acknowledge, with the warmest gratitude, his majesty's parental regard for the interests of his subjects, manifested in his desire of availing himself of any favourable opportunity to diminish the public expenses: to assure his majesty, that it cannot but afford us great satisfaction to find that the extraordinary expenses, incurred in the course of the last year, have been already defrayed, in a great measure, by the grants of the session; and that we shall apply ourselves, without delay, to the consideration of the best means of providing for the remaining part of those expenses, as well as for the current service of the year: that we shall proceed to the examination of the state of the public income and expenditure; and that it will afford us the highest gratification if, on the result of such examination, we shall find ourselves enabled to enter on a system so consonant to our most earnest and anxious wishes, as that of gradually relieving his majesty's faithful subjects from some parts of the existing taxes; at the same time giving additional efficacy to the plan for the reduction of the national debt, on the success of which we are fully sensible that our future ease and security must essentially depend: that, with a view to this important object, we shall not fail to turn our attention to the consideration of such measures, as the state of the funds, and of public credit, may render practicable and expedient, towards a reduction in the rate of interest of any of the annuities which are now redeemable: to beseech his majesty to believe, that we shall consider the continued and progressive improvement of the internal situation of the country, as an additional incentive to the faithful discharge of our duty, in the pursuit of every measure that can be conducive to the public interest: that we cordially join with his majesty in a just expectation and reliance, that this happy circumstance must operate as the strongest encouragement to a spirit of useful industry, among all classes of his majesty's subjects: and, above all, we rejoice to think that it must confirm and increase their steady and zealous attachment to the principles of that constitution, which has been found, by long experience, to unite the inestimable blessings of liberty and order; and which we shall ever consider it our first duty to preserve and maintain, as being the cause to which, under the favour of Providence, all our other advantages are principally to be ascribed."

Sir *James Murray* rose to second the motion. On the subject of the marriage of the duke of York, he was sure there was no member who would not feel the highest satisfaction at this event, and readily agree to provide the necessary establishment on the occasion. With regard to Russia and the Porte, the House would do justice to the benevolence of those intentions which had engaged his majesty to take an active part in restoring tranquillity between those two powers. His exertions were prompted by the most laudable motives, and had in view the most useful end. Certain, however, it was, that untoward circumstances had occurred to frustrate the part acted by our government upon that occasion, and the object proposed was not answered. The particular failure did not, however, affect the general principle. Continental connexions were desirable, and necessary to this country. We had reason, on a former occasion, to experience the bad consequences of having detached ourselves from such connexions, when, in carrying on a heavy and long war, we stood alone and unsupported, while our rival, France, had pursued an opposite policy. Such consequences were, perhaps, not to be dreaded at the present moment. But the use which we ought to make of the situation in which France was placed was, to strengthen ourselves by foreign alliance; to secure connections upon whom, in the hour of danger, we may rely for support. How desirable

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was it thought to form an alliance with Holland!—but Holland was so engaged in continental politics, that an alliance with her could not be supported without likewise forming other connexions. The alliance with Prussia was particularly desirable to this country. The naval superiority of this country and the military force of Prussia rendered an union of strength highly eligible. He did not assert that there were any immediate prospects of war against which we were particularly interested to provide; but to be prepared for an attack might save us the necessity of being put on our defence, and by being able to do much, we might have occasion to do nothing. The vulgar idea ought not to be hastily run away with, that Prussia was a military monarchy, solely intent on schemes of conquest. It was indeed at present in possession of a well-disciplined army and an overflowing treasury. But it knew too well the value of those advantages, to risk the hazard incurred by engaging in idle projects and useless wars. It had required a degree of respectability among the powers of Europe which it was only solicitous to preserve; and though it had been thrice lately called out to repel encroachment, had uniformly contented itself with accomplishing its object; it had confined itself within the strictest line of moderation; and in no instance, even where the fairest opportunities were presented, had attempted to retaliate and aspire at conquest. What advantages, then, were not to be expected from the efforts of two nations, such as England and Prussia, united in the support of tranquillity and order! When the papers relating to the negociation with Russia should be laid before the House, they would be better qualified to judge of the system of continental policy which had, upon that occasion, influenced the proceedings of government. To those proceedings a strong opposition had been raised by persons of great abilities in that House, who saw the interests of the country in a different point of view from that in which they were considered by administration. That opposition had no doubt a considerable effect on the minds of men, and in some measure tended to influence the event which followed. The empress of Russia, a wise princess, perceiving the opposition of sentiment which existed in this country to any war against her dominions, failed not to take advantage of the circumstance in promoting her own purposes, and was induced to persist in a demand, in support of which she would not otherwise have been inclined to run the risk of hostility.—With regard to the affairs of India, our hopes of success were founded on the known abilities and courage of the commander and troops in that country.—On the last part of his majesty's speech he would only remark, that however opposite parties might be in sentiment, they would all unite to rejoice in the prosperity of their country. The conduct of the French, which had so often been introduced into that House as the subject of stricture, warranted, in his opinion, one conclusion: if the French were justified in overturning their constitution, if they really had a constitution, it was because that constitution was essentially bad: our constitution was excellent; it united the advantages of laws, supported by authority, and freedom, regulated by order; and so far from desiring any change of the present system of government, we ought carefully to watch its preservation, and be prepared to go any lengths to support it.

Mr. *Grey* said, it was matter of regret to him, that any thing should have been introduced into the body of the address, which should prevent the unanimous vote which the first speaker had hoped would take place. With regard to foreign politics, it was not his intention to enter into the wide field of discussion which had been adopted by the hon. member who spoke last. He was glad to see that the principle for which he and other members had last session contended was now acknowledged, namely, that no vote of approbation ought to be required to any measure, till complete information had been afforded of the circumstances which had preceded it. With respect to the Russian armament, the proper time for its discussion was not come. From the degree of conviction which that day should be found to produce, it would be ascertained how far any member preferred the support of a minister to his duty to his constituents.—The hon. baronet had intimated, that had it not been for the opposition made in parliament to the object which the minister had in view when he armed against Russia, he might have carried his point, and compelled the empress, by force of arms, to relinquish the possession of Oczakow. If that opposition which had been made, had, as was hinted,

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the effect to prevent a war so absurd, and so contrary to the interests of this country, he should, till the latest day of his life, exult in having been an instrument, however humble, to promote so glorious an object. But after hearing the terms of moderation which had been, in this instance, thought necessary to be employed with respect to the interference in which this country had been engaged between Russia and the Porte, he was surprised, that in another article ministers should have ventured upon a mode of expression so very different, and seemed to call for the discussion, and to provoke the censure, which, in the other instance, they were solicitous to shun: he meant with respect to the war in India. And here, before he should proceed farther, he should move that a paragraph of his majesty's speech, at the commencement of last session be read [The paragraph which related to the affairs of India, was accordingly read by the clerk]. This paragraph, resumed Mr. Grey, expresses the hope of the war being brought to a speedy conclusion. It seems, then, a little extraordinary, that we should now be called on to congratulate ourselves upon our success, while we remain in a situation not more favourable than at that former period, and still equally distant from our object. It was lamentable, indeed, that the prospect then afforded, should not have been made good. If any success had really taken place, it could only have been communicated by the last dispatches, of the contents of which they were not yet in possession, and to which, therefore, they could not be called on to give any approbation. Where, then, was the ground for the expressions of congratulation contained in the address? For his part, he was at a loss to find it; except he was to consider retreats as victories, and miscarriages as success. The object of the war was avowedly to reduce Seringapatam, and exterminate the power of Tippoo. If that was the case, would any one say that it had been accomplished? For to what does the success of which we are informed in the former dispatches amount? We shall find, that it consists in the retreat of two commanders, in circumstances of such distress and difficulty, as compelled them to leave behind them their artillery; and that one of whom was obliged to abandon his sick and wounded to the mercy of a prince, whom we have been accustomed to represent as a cruel and inexorable tyrant. Yet, we are told of our success, and of the prospects of a speedy and honourable conclusion of the war; prospects which are no otherwise authorized, than by our again proceeding to an attack, in which we have already experienced a repulse—than by our being on the eve of a new campaign, from which we have only to look for the certainty of additional expense. On this part of the address, therefore, he would move an amendment.—With respect to other parts of the speech, he acknowledged them to be exceedingly grateful to his feelings. He was only surprised that some reduction of the establishments which was now proposed, should not have been adopted before, and trusted that at last it would be effectually carried into execution, and not merely employed as a bait for popularity. Of those flourishing prospects which were held out with respect to the revenue, we should better be able to judge, when we entered upon an examination of real statements. The other point on which he meant to touch, was the expression of a hope entertained by his majesty, that some of the subsisting taxes might be repealed. He was well convinced, that it would give the highest pleasure to the paternal heart of the king, to see a possibility of relieving his people from any part of their heavy burthens. He must, however, observe, that it was rather unusual, he believed, for a recommendation of that nature to come from the throne, because it looked somewhat like an encroachment upon the privilege of the House of Commons, to whom it belonged exclusively to originate every measure relating either to the laying on or taking off of taxes. And therefore, though he must perfectly approve of the object, there appeared to him something questionable in the mode of introducing it. Perhaps he was over-cautious; but the right of determining in all questions relative to money was the most sacred and the most important privilege of the House, and could not be watched with too much care. The duty of a House of Commons was in many instances invidious; they were bound to give salutary advice, where it was not most pleasing; they were bound to impose taxes, which, however necessary, were always odious. In discharging these duties, they had nothing to support them but the confidence and affection of their constituents—but the persuasion which

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they should entertain that they acted under the influence of common interests, and imposed no burthen, which, as individuals, they were not themselves ready to bear, and which they did not consider as necessary to the general welfare. But should they, in the present instance, upon examining the state of the country, find it necessary to continue the existing taxes, and instead of granting any relief, rather apply the surplus to a more speedy extinction of the national debt, would they not incur a certain degree of odium, while the attention of the people would be turned to the throne, as the quarter from which they were to expect the mitigation of their burthens? Or, in another point of view, might not some member, from regard to the royal recommendation, be led to vote for such relief, contrary to his own better judgment? But, perhaps, he might feel the danger too strongly, or regard it with too fearful an eye. Yet he considered it as proper to employ this warning in the first instance. He had only one thing farther to remark. Last year a convention had been concluded with Spain, from which great advantages had been proposed; among other conditions, it had been stipulated, that a compensation should be made for the injuries sustained by the British merchants, but they had not yet been informed, what progress had been made for that purpose. The total silence of the speech on this head, might afford room for unpleasant conjecture, and could not certainly be very gratifying to the people of this country. Having made these remarks, he should beg leave to move by way of amendment to the address, that instead of the words "the success which has already attended the troops in India," &c. should be inserted "That sensible of the disadvantages of a procrastinated war, and convinced that it must be attended with almost certain ruin to the finances of the company, we cannot but observe, with the utmost regret, that the prospect which his majesty held out to us, in his most gracious speech from the throne, at the opening of the last session of parliament, has not yet been realized. At the same time gratefully to acknowledge his majesty's paternal care and attention to the safety and happiness of his people, expressed in his benevolent wish for the conclusion of a speedy and honourable peace."

The amendment having been put,

Mr. *Dundas* said, he must oppose the amendment, and as the hon. gentleman did not object to the other parts of the address, he would direct himself to that part of his speech, which referred to his objection. The hon. gentleman had stated truly, that the war in India was not concluded, a fact which could not be denied; but he had endeavoured to insinuate that the war was a war of defeat and disgrace to the British arms, that the conduct of lord Cornwallis had not been that of an able commander, and that we had in the course of the war, gained no advantages. It was in those respects, that the hon. gentleman's opinion and his own completely differed. At the same time that the hon. gentleman gave no credit to the brilliant successes of our arms, he seemed to have forgotten the history of the war in India. With regard to its commencement, that subject had been so fully discussed last session, that little remained for him to say, particularly as the House had, after such discussion, been convinced of the necessity, as well as the justice and policy of the measure. The hon. gentleman had advanced, that there was a total failure of the purposes and objects of the last campaign, because Seringapatam was not taken. This, however, he denied to be the case; the object of the last campaign was, to enable us to conclude a war unprovoked, and reluctantly undertaken on our part; and certainly every step that tended to accelerate this desirable conclusion, was entitled to the epithet of sucessful: and he affirmed, that the successes of lord Cornwallis, during the last campaign, were unparalleled, when compared to former wars in that country. Since the commencement of the war, we had detached from Tippoo the interest and aid of every power on the Malabar coast; and it was well known, that nothing did us more mischief in our wars with Hyder Ally, than the support he met with in the Malabar country. On the contrary, we had now not only detached them from Tippoo, but the Bibby of Cannanore, as well as every rajah and polygar on the Malabar coast, were become our friends, and had shown their readiness to assist us. By our interposition a confederacy had been renewed between us, the Mahrattas, and the Nizam, that certainly had been attended with the most brilliant successes. the Mahrattas, by the taking of Darwar, had secured a key to a great and rich

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country, and the successes of the nizam, had given us a command of the Mysore country. By these the resources were tripled, and would gentlemen say that these were not brilliant successes. Add to this the capture of Bangalore, a piece of good fortune that had inspired our allies with confidence, and by which Tippoo was completely hemmed in, and shut up in a narrow and confined district round his capital, unfit to supply him with provisions, and in every respect placed in a most hazardous situation. This he took to be the present situation of the war in India. Lord Cornwallis, when he formed the plan for taking Seringapatam, was perfectly aware of the great difficulties he had to encounter, and had he not met with the most unforeseen accidents, there can be but little doubt, but he would have accomplished the great object of his enterprise. With respect to the propriety of stating in his majesty's speech the hopes which he entertained that parliament might be enabled, from the growing increase of the revenue, to take off some portion of the existing burthens, Mr. Dundas thought that, when the disagreeable task of being obliged to make demands that occasioned taxation remained with his majesty, it would be very hard to deprive him of the beneficent feelings occasioned by the possibility of alleviating the burthens of his people, and he knew of no article of the British constitution that barred his majesty from expressing such hopes and feelings. With regard to the novelty of the measure, the hon. gentleman might be pretty right, for he believed any thing like a hope or intimation from the throne, that there was a probability of diminishing the taxes was rather a novelty in any administration; but surely it was a novelty of that sort, which ought rather to be welcomed than repulsed.

Major *Maitland* thought it his duty to express his surprise at the clause being introduced which congratulated his majesty on the successes gained in India. What the right hon. secretary had said, respecting the great consequence of our being assisted by the powers on the Malabar coast, he thought must be much exaggerated. Certainly he could not state the bibby of Cannanore as a powerful ally, for he was one of the pettiest rajahs on that coast, and if, as had been stated, all the other princes, rajahs, and polygars, were emancipated from the tyranny of Tippoo Sultan, that fact was entirely unknown to the House. No notice seemed to be taken of general Abercrombie's retreat, although he had been obliged to leave behind, in the precipitancy with which he conducted it, his battering train, his cattle, and what was still more deplorable, his sick in the hospital. He ridiculed the idea of enhancing the value of the capture of Darwar, by calling it a key to the Mysore country. He affirmed that Tippoo was not confined in the manner that was said, nor in any unpleasant situation. With regard to lord Cornwallis, he respected highly his character, but his successes considered in no other light than a continued chain of disasters since he left Madras, attended with a great expense of money and effusion of blood, without the least probability of any advantage. He adverted to the recalling of general Meadows, and the total alteration of the measures which he had pursued for twelve months previous to lord Cornwallis having quitted Madras. The capture of Bangalore he certainly regarded as a victory, not however obtained so much in a military way, as by way of securing a retreat from a principle of absolute necessity. He contended, that the boasted confederacy was formed on views of ambition, much more so, indeed, than those which we could with any justice impute to Tippoo Sultan. He quoted lord Cornwallis's reflection upon his own situation; and his opinion, that a procrastinated war would be attended with ruin to the company's finances. He made some observations on the attack of Seringapatam, which certainly had no pretensions to be called a victory. The object of the last campaign had been defeated, not through want of gallantry in our soldiers or conduct in our officers, but through want of food. Famine forced our army to retreat last campaign, and he feared it would have to contend with famine again. After all this, he thought it curious to compare the present circumstances with what had fallen from the right hon. secretary in May last. He then said, that India was more likely to send resources to England, than that England would have occasion to assist India. This was now fully contradicted by lord Cornwallis, though the House and the country must think, that both the noble lord and the right hon. gentleman had formed their judgment from the same documents. Much stress had been laid on the loss which Tippoo had

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sustained, but not a word was said of ours! and admitting those arguments to be carried to their maximum, he considered our situation to be far from successful. Tippoo Sultan had been described as a cruel and merciless tyrant, and an unjust invader of Travancore and Iacottah, and this was made the ostensible ground of the confederacy against him. But if the House would look at the letter of Lord Cornwallis to the nizam, in May, 1789, it would be found, that this was only a pretext, and not the real cause of the war. In that letter, the noble lord represented Tippoo, not as a tyrant, or cruel and bloody, but as "a prince of great ability and great ambition;" and such, therefore, as it was the nizam's interest to weaken. His lordship accordingly proposed a confederacy against him, but wished not to conclude a specific treaty for the purpose, lest Tippoo should get intelligence of it, and make that a ground for an immediate war; he desired, however, that the nizam would consider that letter, as amounting in effect to a treaty. Here was the real cause of the war; and as we had provoked it, we must in fairness and justice be considered as the aggressors. As to his ambition and thirst for war, in what did it appear? Not surely in his repeated efforts to procure peace, or the humiliation to which he had frequently descended, for the purpose of prevailing upon our government to grant it to him. The confederacy against him was as injudicious as it was unjust. The nizam and the Mahrattas would, no doubt, remain firm and steady in the union, until the extirpation of Tippoo; but, that end once accomplished, there was as little doubt but they would fall out with us about the spoil of that prince, whose great crime, in the eye of the British government was, that he was a man of great abilities.

Mr. *J. T. Stanley* said, it was a proud day for ministers, when our successes in India were considered, and the unexpected prosperity of our finances, and expressed his surprise that any objection should have been started to the address.

General *Smith* took the same side. The war was, in his opinion, absolutely necessary; for Tippoo was the sworn enemy of the British name in India; and as that prince would not leave any thing undone to root that name out of Indostan, so ought the British government to resolve never to make peace with him, until he was completely extirpated. The successes of the last campaign, he contended, were splendid and brilliant. The only thing that could give a colour to a contrary opinion, was the retreat of our army from before Seringapatam. Lord Cornwallis himself was apprehensive that he should arrive too late in the season before that capital; the possibility of a retreat was therefore foreseen, and was occasioned not by the enemy, but by the climate. For his own part, he wished the noble lord had not gone to Seringapatam till after the monsoons. Had he put an end to the campaign by the capture of Bangalore, every one would have said that his successes had been truly brilliant. What he had foreseen, and had been the effect of climate and not of defeat, ought not to be considered as derogating from the splendour of our victories. Tippoo, he maintained, was actually hemmed in, on the north, the south, and the east, and was confined to a very narrow slip of land: and there was not a doubt in his mind, but that Seringapatam was at this moment in the hands of lord Cornwallis. The war was not undertaken, on our part, for ambitious purposes, but a very necessary policy, as it was well known that the extermination of the Europeans was Tippoo's avowed desire. Tippoo's country contained 300 fortified places, which were not likely to be conquered in one campaign.

Mr. *Fox* rose and expressed his regret, that after having agreed in the address to his majesty on the opening of the session for so many years, although during that time he had generally differed from those entrusted with the administration of his government, he should now find himself obliged to oppose any part of it, when it contained so many topics, on which he, and every man who respected his majesty's personal feelings, and rejoiced in the prosperity of the country, must cordially concur. On the first topic, no man could stand forward with more readiness and sincerity than he did to congratulate his majesty. No man could participate more cordially in the satisfaction which his majesty derived from the illustrious connexion which the duke of York had formed, at once honourable to himself, and auspicious to his country; and he trusted there would be no difficulty opposed to enabling his majesty to form a suitable and speedy establishment for his royal highness and his consort. To several other topics introduced into the address, he could give

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his warmest approbation. The hon. gentleman who moved it, seemed to approve, with a degree of reluctance, that part of the speech which related to some reduction of our naval and military force. He had always been of opinion that such reductions might have been made at a much earlier period; but so little was he disposed to find fault with the past, and so happy to approve when he had an opportunity of approving, that provided the reductions were at last made in a fair and effectual manner, so as to afford substantial relief to the country, the hon. gentleman would be but a cold supporter of the measure in comparison with himself. The parts that related to the increase of the revenue, and the general prosperity of the finances, must be satisfactory to all who had an interest in the welfare of the country; but if when the accounts came to be laid before the House, that increase should be sufficient to defray the late extraordinary expenses, that circumstance would be no justification of the conduct by which those expenses were incurred. It was no excuse for unnecessary profusion, that the nation was possessed of unexpected resources; nor could any minister be allowed to say, "It is true I have been lavish of the public money, but the public industry and the public wealth have outstript my profusion." It had been said, '*Stultitiam patiuntur opes*,' but it would be a very dangerous assumption in politics, that the wealth of any nation could be greater than national folly would overcome.

Having said this much in general terms, Mr. Fox proceeded to comment on other parts of the address, to notice the omission of some things which ought to have been mentioned in his majesty's speech, and to state his reasons for voting the amendment moved by his hon. friend. The gentlemen who moved and seconded the address, had not confined their remarks to the terms of the speech, but had extended them to the articles of the pacification effected by our mediation in conjunction with our allies. For his own part, he was too blunt to see, and too dull to comprehend, how either the new or the old line of demarcation between the house of Austria and the Ottoman Porte could be of the least importance to this country; but he could not help observing the curious manner in which the new line had been settled. It was said, in the first instance, that preliminary articles had been settled between the contending powers, on the foundation of the *status quo*, not such a *status quo* as the French had formerly devised, a *status quo* as things ought to be, but a *status quo* as they actually were before the war. This foundation, for the honour of the mediating powers, was to be strictly maintained in the definitive treaty; but before that definitive treaty was agreed upon, a new line of demarcation, by which acertain extent of territory was to be transferred from one to the other, was also agreed upon the same day. This was ridiculous; and it was of consequence to nations to prevent their proceedings from being the subject of ridicule. Instead of negociating, and even arming, to maintain an absolute *status quo*, and agreeing in the same instant to a demarcation of limits, by which that *status quo* was to be completely surrendered, how much more honourable and dignified would it have been to have resorted to the convenient term, "existing circumstances," as applicable, surely, to the negociation with Austria, as to that with Russia, and have taken the French *status quo* of things not as they had been, but as they ought to be in future. While he animadverted on the absurdity of thus insisting on a *status quo* in words, and conceding it in fact, he desired to be understood, that neither for the new nor the old line of demarcation, would he have agreed to hazard the hundredth part of a British life, or the hundredth part of a British pound.

On the negociation with Russia, the House were promised the papers necessary for their information; and till those papers were before them he should reserve what he had to say on the subject. If the information was partially given, if they were informed only of what all the world knew, and every thing most material for them to know was withheld, he should be surprised indeed if any proof of the increasing wealth and resources of the country could induce the House to pay the expense of the armament. The hon. seconder had mentioned new circumstances arising as the reason that induced the minister to recede from his original propositions. He had not, however, been able to point out any of those circumstances, and at last fairly put it upon the discussions that had taken place in parliament. The hon. baronet would not be more sorry for what he had said, that he (Mr. Fox) and the gentlemen who thought as he did on those discussions, considered it as the

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highest compliment to their exertions, and as tending to secure to them the approbation and the confidence of their constituents and their country. In calling upon the good sense of the country, in warning the people of their danger, and obliging the minister to abandon the most absurd and impolitic attempt that ever was conceived, they had done their duty then, and had now the consciousness of having done signal service to the nation. But it was said, that these discussions provoked the contest; that but for them Russia would have yielded. That it would not have been for the interest of Russia to contend at the hazard of a war, he was ready to admit; but that the government of a country, like that of Russia, not immediately under the control of public opinion, might have been impelled by resentment or obstinacy, to resist, even at the hazard of a war, was at least a probable supposition. The empress had declared that she would not yield, and the minister also that he would not. On this supposition, what must have been the consequence, had not the minority in parliament, and the sense of the public, interposed? The minister would have gone on with his menaces; the empress would have persisted in her claims; and he must either have gone to war for an object which was now admitted both by himself and his friends as not worth going to war for, or exposed the nation by receding, as the bully, instead of the mediator of Europe. "I meant to intimidate the empress," he must have said; "I trusted to her fears, but she was not to be intimidated; I was therefore under the necessity of apologizing for the peremptoriness of my demands, by the humility of my retraction: for the insolence of my menaces, by the meanness of my submission." Such must have been the consequences, but for the interposition of those who thought as he did, and had the courage to avow it; unsuccessful, indeed, in numbers, but strong in argument. Ministers on that occasion were not ashamed to persuade a majority to support that as of the highest importance to the interest of Great Britain and her allies, which they themselves had predetermined to give up as of no importance at all. How they who had been so persuaded, or their leaders, felt on the subject, he knew not. He knew how he himself should have felt in either situation. The hon. baronet had, in the course of the last session, stood almost single in maintaining the great consequence of Oczakow in the scale between Russia and the Porte. They, therefore, who proposed to him to second an address, in which all that he had then said was in fact now unsaid, after having so long relied on the confidence of others, were at last determined to display no less a degree of confidence in themselves. It required no moderate share of confidence to say to any gentleman, "That which you so ably contended for as of the highest importance, we have abandoned as of none. Will you have the goodness to move an address, approving of what we have done?" The hon. baronet seemed to feel the awkwardness of his situation, and was obliged to shelter himself behind the cover of existing circumstances. What those existing circumstances were, he had not condescended to state.—For the farther discussion of that negociation, he waited for the papers promised to the House. He hoped when they came they would be complete, and afford ample room for full and fair discussion. They were obliged to his majesty for his gracious promise of granting the papers; for if the House persisted in the opinion adopted last year with respect to the convention with Spain, they had no other means of obtaining any information on any negociation pending or concluded. If they could not ask for papers, they could only obtain them by his majesty's gift. In that opinion, however, he trusted they did not persist; consistency in evil being not a virtue, but a crime. The doctrine of last year was that papers were never to be called for respecting any negociation or any treaty, unless there appeared on the face of it such strong presumptions of criminality as seemed to call for the impeachment of ministers, and induce them to fill their address with threats of gibbets and axes. The papers, he trusted, for the sake of ministers, were not given on this, but on the good old parliamentary doctrine: not on his majesty's reasoning with himself that he had armed to support a negociation, and when the armament was ready to act, given up the whole object for which he armed; that in this conduct of his ministers there was something so absurd, a made it advisable, without waiting for an address from the House, filled with the harsh and ungracious terms of impeachment, axes, and gibbets, to send down the papers, and submit the whole business to a fair investigation. This he could not

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believe to be the motive of his majesty's promise, any more than that the House, or even the ministers had ever seriously adopted as a general principle the doctrine of last session with respect to papers.

With respect to the repeal of taxes, as suggested in his majesty's speech, and most properly observed on by his hon. friend who moved the amendment, as infringing on the privileges of the House of Commons, for the uncandid and delusive purpose of catching at surreptitious popularity, he could not but remark, that the observations of his hon. friend had been treated by the right hon. secretary with a degree of levity unsuitable to the subject. To originate taxes, and to originate the repeal of taxes, was the peculiar right of the House; and any infringement, or any thing short of an infringement, that seemed to call in question that right, might be taken up as a breach of privilege. It was not, however, in that point of view that he meant to consider it. The situation of the country was that of owing a debt of vast magnitude, for which a great interest was payable, in possession of peace, and an increasing revenue. For the reduction of the debt, the House had appropriated one million annually; but in doing that, they never meant to decide that in case the revenue should increase, they would apply no more than a million to the reduction of the debt, and remit taxes to the amount of all the surplus above that sum. How much they ought in any circumstances to apply to the reduction of the debt, and how much to the immediate relief of the people by a remission of taxes, was a question of great importance and difficulty. The extreme, that the whole surplus was to be applied to pay off a debt, or go to the remission of taxes, was not to be maintained on either side. What the mean might be was not easy to determine, and being so, the discussion should be free. Above all, it was extremely unfit that men's minds should be prejudiced by the authority of an opinion expressed by his majesty. The speech expressed a hope that the reduction of establishments, and the increase of the revenue, would enable them to enter on a system of relieving his subjects from part of the existing taxes. Now, what would be the case when they came to debate? Suppose he, or any other member, or even the majority of the House, to be of the harsh opinion that none of the taxes ought to be remitted—an opinion which he was far from entertaining at present, or believing that he should form, and which he put merely for the sake of argument—in what a situation would they be placed! To the public it would appear that the king was willing to alleviate the burdens of the people, but that their own representatives, feeling less for them than he did, persisted in making them bear what his majesty was willing to remit. And, were men to be deterred from giving their honest opinion on a subject of such moment, or exposed to obloquy and odium if they did? The functions of that House most directly felt by the people were most of them ungracious; that of imposing taxes, and making rigorous laws for collecting them, particularly so; and it was neither just nor wise to teach them to look to the crown for every instance of grace and favour, and to their representatives for burdens and restraints. On what principle was it that the Lords could neither propose a new tax nor the repeal of an old one? The repeal of a tax was not certainly levying money on the subject, and yet the commons had always been as jealous of the one as the other. For what reason, but that the House might never be put into the unpleasant situation he had mentioned, of appearing to continue taxes, from which the lords, or the king, thought the people might be relieved? He repeated, that he spoke on this subject from no previous opinion, that it would not be advisable to remit part of these taxes, and put the supposition hypothetically. To form any opinion on the subject, it was necessary to have before him the accounts of the expenses and the income, of all which he was yet ignorant. He wished only to be free to form an opinion when the documents were before him, without any apprehension of popular odium to bias his judgment. It had been asked, if he would deny to the king the pleasing part of suggesting the repeal of taxes, when he had often the unpleasant duty of suggesting the imposing of them? The king's pleasant part was, the giving his assent to the repeal, as the unpleasant part of originating new taxes, and the pleasant part of originating the repeal of old, ought to fall equally to the House of Commons. It was not, he believed, correct, that the king ever did recommend taxes. He recommended measures that required money to support them, but it was the exclusive privilege of the House to provide

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that money by imposing taxes, or otherwise. The right hon. secretary had said, that not the king's recommendation, but the repeal of taxes, without the substitution of others, was the novelty. Did he mean to say, that taxes never before were repealed or reduced? Within one, two, or three years after the conclusion of every war, except the last, a remission to the amount of half a million had taken place by the reduction of the land tax, and that without any suggestion from the king. It was, therefore, not the thing, but the mode that was new. When the land tax was reduced from four to three shillings in the pound, in 1763, had he been then in parliament, he should have voted against that reduction. Had he done so after a recommendation from the throne, he should have been in the precise situation in which he had shown, that neither the House nor any individual member could be entirely free from prejudice.—He had dwelt more particularly on this circumstance, which he believed originated in no design, but merely a mistake on the part of ministers, because a strict adherence to the principles on which the three branches of the legislature had long acted with respect to taxes, tended to preserve that constitution on which he had heard so many and so deserved encomiums. To all such encomiums he most cheerfully subscribed, when they were not introduced indirectly and unfairly, with allusion to the affairs of other countries, and for the purpose of conveying censure on other persons, as entertaining sentiments hostile to the constitution. In this way they were often introduced against him, and those who, like him, did not consider themselves debarred by their reverence for the British constitution, from reading and thinking and approving of what seemed worthy of approbation in forms of government very different from it. For himself, and those who, like him, had frankly avowed their approbation of what had passed in France, he thanked the hon. baronet who seconded the motion, for having furnished him with a better expression than he could have thought of for himself. The constitution of France was essentially bad, and every thing was to be risked to destroy it; the constitution of Great Britain is essentially good, and every thing is to be risked to preserve it. It was in vain, therefore to say that they who rejoiced in the destruction of the one, must wish for the destruction of the other. There was no similarity between them. They were as radically different as good and evil, as freedom and slavery, and never to be mentioned in the same terms, or any inference made from the one to the other. No man could think more highly, or with greater reverence of the fundamental principles of the British constitution than he did. But he could neither shut his eyes, nor suspend the operations of his reason; and where he saw great mischiefs happen under any constitution, he could not help concluding, that the constitution was in some part decayed, or imperfect.

It must have been owing to the unwillingness of ministers to damp the pleasure arising from so many topics of satisfaction as the speech from the throne contained, that with the mention of the inestimable blessings of liberty and order, they had introduced no expressions of regret and concern at the violent interruption of order that had occurred in the course of the summer. Nothing, surely, but extreme reluctance to cast the least shade over so many subjects of rejoicing could account for such an omission. To read his majesty's speech one would imagine, that nothing had happened to disturb the long experience of liberty and order so earnestly recommended as the foundation of all our other blessings. But the cautious omission could not conceal the evil; it was impossible not to know and not to lament, that, towards the close of the eighteenth century, men, instead of following the progress of knowledge and liberality, had revived the spirit and the practice of the darkest and most barbarous ages; and that outrages, the most unparalleled and disgraceful, had been committed—disgraceful, he meant, to the country, not to the ministers. They, it was to be presumed, had done every thing in their power to prevent and to check such detestable proceedings. But whether or not they, and those who acted under them, had exerted themselves as they ought in repressing the devastations of a mob, at all times mischievous, but doubly so when it assumed the pretext of supporting government or religion, was it not melancholy to see that mob reigning triumphant for near a week in a rich and populous part of the country, and those, whose duty it was to have denounced the rigour of the law, addressing them rather in terms of approbation than rebuke? Was not this calculated to cherish an idea which but too fatally appeared to have

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been entertained, that the principle on which they pretended to act was not disagreeable to government, however necessary it might be to punish a few for the irregularity of their proceedings? He accused ministers neither of holding nor favouring such opinions. But when it could not be dissembled that such opinions had been held, if not inculcated, it would have been well if his majesty had spoken of such riots, and their pretext with horror, and of the exertions made to suppress them, and punish both the authors and the actors with approbation. These were not riots for want of bread—such every feeling heart must pity while it condemned: neither were they riots in the cause of liberty, which, though highly blameable, and highly to be reprobated by every good man and every true friend to liberty, had yet some excuse in their principle. No, they were the riots of men neither aggrieved nor complaining, but who, pretending to be the executors of government, did not select individual objects of party animosity, or private hatred, but by personal insult, violence, and fire, set on foot an indiscriminate persecution of an entire description of their fellow citizens, that had furnished persons as eminent, as good subjects, and as zealous supporters of the family on the throne, as any other in the kingdom could boast. Instead of passing over such acts in silence, ought not his majesty's sentiments to have gone forth as a manifesto, applying to them every epithet expressive of abomination, which the language could furnish? When men were found so deluded as to suppose that their general object was not disagreeable to government, a belief certainly unfounded, it might do much more mischief than ministers were aware of. He had supposed that all practicable measures were taken to put a stop to these riots, and to punish those concerned in them as an example to others; but after they had threatened the person, and destroyed the house of a man, distinguished by a life attached to literature and useful science, of Dr. Priestley, whom he named but to honour, when they had destroyed all the accumulated labours of his youth, when they had demolished, what neither money nor industry could replace, that which ought to have been the solace and the ornament of his age, then came from those whose rank and stations ought to have given them influence, the slow desire to desist. How was this desire expressed, and how reprobated a conduct, subversive of every principle of civilized society? "Friends and fellow churchmen! we know you by the crosses and the banners you bear. You have now done enough in this pious cause. What farther you do, you and we, your friends must pay for. Your farther exertions might be laudable, but they would be too expensive." If holding such degrading language to a riotous mob could prevent mischief till assistance arrived; if it could save a house from the flames, much more a life, perhaps the sense of strict propriety might yield without blame, to the immediate impulse of compassion; but if neither of these was done, how contemptible! If they who held it were now ashamed of it, so much the more was it incumbent upon them and government to do away the impression it might have made, and to declare their abhorrence of acts, which they, in a moment of weakness, seemed not to disapprove. He hoped, therefore, that if an opportunity offered, this would still be done; and he had insisted on it the more largely, as he thought an occasion might not offer of noticing it in parliament again.

Having remarked on the general topics and omissions of the speech, he came now to give his reasons why he should vote for the amendment. His majesty expressed his hopes, that by the distinguished bravery and exertions of the officers and troops, under the able conduct of lord Cornwallis, the war might speedily be brought to an honourable conclusion. These hopes were undoubtedly of less value, from his majesty's having held out the same prospect last year, which they all knew had not been fulfilled. Had he declared his opinion last year that the war would continue till now, he should have been told that he was arguing against probability, the conclusions of those who had the best means of information, and especially the assurance of his majesty from the throne. Fresh hopes were again held out, in which he must now have less confidence from the failure of the last. "L'on desespère, quand on espère toujours." They might renew their hopes from year to year, but they must not forget, that constant hoping led at length to despair. The hopes last year were, that the war would be terminated in a single campaign; but unforeseen circumstances had retarded the ac-

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complishment. Not one circumstance had occurred that had not been foreseen, or which those who undertook the war ought not to have considered. Were the monsoons an unforeseen circumstance? Did they set in sooner, or with more violence than usual? Perhaps it might be said, that the bad conduct of our officers was the unforeseen circumstance; but here the House was most improperly called upon before the service on which they were sent was accomplished, without any ground of judging but that they had been unsuccessful, to approve of their conduct. Without much knowledge of lord Cornwallis, but with a prepossession in favour of his character and talents, he would not prostitute the praise of the House, by approving of the conduct of an officer, who had done nothing as yet on which a vote of approbation could be reasonably founded. In what event of the present war were they to look for proofs of the ability which they were called upon to praise? He had failed in putting an end to the war within the time expected. Were they to consider that as a proof of ability? He had marched too, against Seringapatam and failed; he had directed general Abercrombie to approach it from another quarter, and when preparing to form a junction with him, he found that impossible, from the intervention of a river; and the only question then was, whether the army that he had ordered to meet him, through passes so difficult as were never traversed with cannon before, should get away safe—was this a presumption of ability? If the retreat of that army, instead of disgraceful and scandalous, had been most orderly and ably conducted, would merely going back amount to a proof of able exertion? The circumstances of that retreat might be owing to general Abercrombie, to his orders from lord Cornwallis, or to causes which neither of them could prevent; he hoped it would yet appear that neither of them was to blame; but till this did appear, how could the House praise ability where they saw nothing but miscarriage and disgrace? When we talked of distinguished bravery and exertions, was the character of the British army fallen so low as to make the capture of an Indian fort, or a victory over an Indian army, a matter of distinguished triumph and exultation? Was this the utmost that was to be expected from an army the most numerous, the best disciplined, the best officered, and the best appointed, as it had been always represented, that India ever saw? Thank the stars of the British empire, our superiority in arms had been always such, that much more important conquests had been often achieved by armies far inferior in every respect to this! Respecting the feelings of lord Cornwallis, and having a regard for his character, he deprecated this mode of insulting him with approbation, when there was no rational ground on which to found it, and he called on the friends of the noble lord to rescue him from such disgrace. His hon. friend (general Smith) had asked, if Tippoo thought the war procrastinated; if the powers of India thought the war procrastinated? He had no occasion to resort to such evidence, having the testimony of lord Cornwallis himself that the war must be considered as procrastinated, if it lasted beyond the period of the monsoons. In the speech of last year, the confidence inspired into the powers of India by the sanction of parliament, to the measures adopted by our government there, was held out as one of our grounds of hope. Had he known the extent to which this led, he should have opposed the corresponding part of the address. That, however, did not appear till the production of lord Cornwallis's letter to the nizam some time after, in which his lordship writes, that the directions of the British parliament will not allow him to conclude an offensive treaty, but that the letter itself may be considered as equivalent to one. This measure was wrong in his opinion; but at any rate it could not be said, that the confidence of the native powers was engaged by the sanction of parliament, when the very agreement on which they were acting was, if not a violation, at least an evasion of an act of parliament. He had always considered the system of offensive wars in India, as unjust, impolitic, and, whatever might be their apparent success, eventually mischievous. That we might be victorious in the present war he was still inclined to believe; but if, as the right hon. gentleman had said, towards the end of the last session, peace was the most desirable news from India, victory was not worth the hazard of failure or defeat. It had been said that he himself was sanguine last year in his hopes of success. From what he had heard of lord Cornwallis and the army, he had been sanguine in his

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hopes of brilliant victories, and, (their natural consequence), brilliant ruin to the company's finances. If the right hon. gentleman could find leisure from his other employments, (although, undoubtedly, they were numerous enough to occupy almost all his attention), to review the history of another war, on the justice and the policy of which he had likewise the misfortune to differ with him, he would see how many splendid victories we had obtained, and how many officers, both by sea and land, had been thanked for their great and able exertions; yet all these victories and all these exertions, led, as by one uniform tenour, to eventual misfortune, and the loss of the entire object for which we were contending. There was nothing in lord Cornwallis's conduct in that war that induced him to think ill of his abilities, and he had mentioned them incidentally, to illustrate his argument. For the victory at Camden, the thanks of the House were voted him, and reached him just time enough not to pass through the hands of an American general. Let not the House anticipate success by their praise. Let the noble lord conquer, and the due praise follow; or let it appear that he had deserved to conquer, and it would become the House to endeavour to repair the error of fortune. But at present, while all they knew for certain was, that he had formed great expectations, and that those expectations had been disappointed, let them speak with candour, and suspend both their praise and their blame. Had he his nearest relation in a similar situation, this was the line of conduct he would recommend towards him, considering nothing as more degrading than praise undeserved. His hon. friend (general Smith) whose opinion on affairs relating to India he should follow as soon as any man's, had owned that his lordship had marched against Seringapatam at a period when he thought he ought not to have done so. Was this to be considered as an instance of ability or an act deserving of praise? The cause of general Abercrombie's precipitate retreat was not yet known. He hoped both he and lord Cornwallis would be able to justify their conduct; but the blame, if there was any, lay between them, and the exculpation of the one must fix it on the other. It was therefore wrong to express an approbation of the one, which might look like deciding on the case, and render it more difficult for the other to clear up his character. Suppose general Abercrombie had been included in this expression of approbation, how would it have sounded? Yet it was customary on thanking the commander in chief, to thank all the officers under him, and no good reason for the omission of general Abercrombie on the present occasion could be given, except that it was impossible to withstand the ridicule of praising his ability after such a retreat. Yet no man was at present sufficiently informed to say that general Abercrombie was in fault, and lord Cornwallis free from blame. If, in the course of his argument he had said any thing disrespectful or unpleasing of lord Cornwallis, he was sorry for it. That he had been mentioned at all was not imputable to him, but to the introduction of his name into the speech and the address, which obliged him, in the honest discharge of his duty, to say what he had said. There was no custom that warranted expressions of approbation where nothing had appeared but miscarriage and retreat. —On these grounds, he should support the amendment. If on other topics of the speech and address he had touched but lightly, especially on the first, he desired it to be understood as owing to a sense of public duty and to a respect to that House, which did not allow him to mix his congratulations as a member of parliament on the marriage of his majesty's son, with those of his own private sentiments as a man, or to indulge the feelings of personal respect and individual attachment on a subject of general concern and national importance.

Mr. *Pitt* said, that as a great part of the right hon. gentleman's argument, and many of the observations which he had chosen to make, were to be ascribed rather to the custom, peculiar to the first day of a session, of taking a pretty wide field for remark, and going at large into a general review of the state of political affairs, than to any other cause, as they had little or no relation to the real subject before the House, it would not be necessary for him to take up much of their time, in noticing and replying to hints, statements, and reasonings, which, however they might be proper for discussion on some future occasion, were not necessarily the fit subject of discussion that day. He did not conceive that there was any necessity for entering into a discussion concerning the origin of the war in India, as the right hon. gentleman had done; that matter

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had been, in his mind, amply discussed already, and had received the decided opinion of the House last session, on its expediency, policy, and justice; therefore, while the grounds upon which that decision was given remained uncontradicted, he saw no reason for him to enlarge upon it now. The right hon. gentleman, however, had not argued this point upon the same grounds which were known last session, but seemed to have found out some new grounds, upon which he took it up, and which were unknown to the House. He insisted that lord Cornwallis's letter to the nizam was not the cause of the war, as had been alleged; and that Tippoo had never thought or stated that it was so; but this, and his other arguments upon that question, he would reserve, until the question concerning the origin of the war, which had been fully debated last session, was resumed; and then he would meet it fairly. Without entering into any detail of the different occurrences of the last campaign, he thought himself perfectly justified in asserting, that there were sufficient grounds to entitle him and that House to say, that they congratulated his majesty and the country on the able conduct of lord Cornwallis. It had been asked, what the successes were that attended our arms in India? and he thought they had been very fairly and fully stated by his right hon. friend.—It had been said by the right hon. gentleman, that pending a war, whatever success had occurred in the progress of that war, was not a proper subject either of approbation or blame, and that both ought to be reserved till the business should be concluded, and then distributed in the due proportion. In this he perfectly disagreed from the right hon. gentleman. If such an argument could be supported, would Marlborough have received the thanks of his country after the battle of Blenheim, or Rodney after the glorious 12th of April? The greatest success that could attend any enterprise, was the accomplishment of the end for which it was undertaken; yet because a war that had been reluctantly entered into was not terminated, that surely formed no reason for withholding the praise that was due to the exertions that had been employed in carrying it on. Formerly, the right hon. gentleman had been in the situation of having a near friend and connexion in a command, and he did not recollect that he had then used the same arguments which he now brought forward: he alluded to the thanks which had been voted to admiral Keppel for his conduct on the 27th of July. But the right hon. gentleman, in using his abstract principles, varied the application of them, according to the persons and circumstances of the time. It had been stated, that the taking of Seringapatam was the object of the last campaign, and that not being effected, no credit was due to lord Cornwallis; and it was likewise said, that though great and untoward difficulties had been mentioned to have intervened, none such were publicly known. This last observation was not just, for difficulties both unexpected and unusual had occurred: the monsoons, in particular, had set in much earlier than common, and the effect was evident. The river Cavary was found to be impassable, and that this was contrary to the expectation of lord Cornwallis could be accounted for, without the smallest reflection on his lordship, or any necessity to suppose that he was ignorant of the local situation. His right hon. friend had very properly detailed many of the advantages we had gained during the last campaign, and yet, were he to listen to the opinions of the right hon. gentleman, these were to be considered as nothing. He would ask, if depriving Tippoo of every support from the powers on the Malabar coast was nothing, when these had proved of such consequence to our enemies in former wars? and he would ask, if the capture of Bangalore was nothing? yet these were but part of our successes, and Tippoo's situation at present was so confined in every sense, that we ought to consider it as warranting our future expectations of success.—As to the other topics in the speech, which the House seemed to be unanimous about, he did not think it necessary to enlarge upon them after what had been said. From the particular manner in which the conclusion of his majesty's speech had been treated by the right hon. gentleman, he was compelled to say something. The right hon. gentleman seemed to think it improper that his majesty should have selected this year as the proper juncture for mentioning the inestimable connexion between liberty and order, which are the principal blessings of our excellent constitution, without referring to a temporary interruption of that order which took place in the course of the year. For his part, he regretted

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the circumstance as much as any man could do; but, at the same time, was sorry that it had been introduced in the manner it was that night, and really could have wished that the right hon. gentleman had consulted his discretion rather than his zeal; because he was sure, that moderation and perseverance were the best means of getting rid of the effects of such disorders. In all popular excesses of every kind, whether proceeding from fanaticism, republicanism, or any other cause, it had been the constant wish and study of his majesty's ministers, to use every effort that could tend to check their progress in the most effectual manner; and though he did not believe that the right hon. gentleman had any intention of saying otherwise, he would challenge him, or any other person to say, that every means had not been taken to stop its progress, and that government not only showed its promptitude to check these horrid proceedings, but had likewise made every farther preparation that could be devised, in case there had still been a necessity to use them. This, therefore, was only an exception to the general happiness which the nature of our constitution was calculated to afford; and an exception certainly ought not to be made a rule for judgment; he considered that nothing could be a stronger confirmation of the excellency and power inherent in the constitution than that such enormities could be extinguished by the first efforts that were used to suppress them, without having recourse to more violent remedies, which might still have been used, had the necessity for exercising them appeared.

He came next to notice what had been said on foreign affairs. With respect to the adjustment of differences between Austria and the Porte, it had been stated that it ought to have been effected upon the principle of the *status quo*, and it was argued, that this principle had been entirely deviated from, upon a supposition that when it was determined to effect the *status quo*, there was no knowledge of any modification, or farther negociation, that might happen afterwards. As to the line of demarcation which the right hon. gentleman treated so lightly, and would not value at the hundredth part of a British pound, he was somewhat surprised that it appeared of so very little importance in his eyes, and he insisted that the modification he had mentioned was known, expected, and admitted at the treaty of Reichenbach, when the *status quo* was determined on as the terms of adjustment.—He then replied to what Mr. Fox had said relative to the production of papers, which he seemed inclined to move for, but more inclined that they should be refused. It had been asserted that, on a former occasion, it was said, that unless something criminal appeared on the face of the negociation to which the papers referred, something that almost called for gibbets and axes, there was no occasion for the production of them; and that ministers now had changed their minds so far, that they spontaneously produced the very papers which would be found *prima facie* criminal, as if they had merited and now courted the gibbets and axes, which could alone give rise to the necessity for bringing them forward. This, he said, was in the first place charging them with a very improbable timidity, and then ascribing to them a very chimerical degree of courage. All that had been spoken in this way, he thought, was an endeavour to convert sound into argument, by what he termed a paradoxical ingenuity of debate; and observed, that in any political discussion it was very easy, and not uncommon, for warm imaginations to introduce gibbets, axes, and similar expressions. In whatever light the issue of the negociation just mentioned might appear, he would not hesitate to give his reasons for granting the papers alluded to in the speech, because he was sure it would appear to every impartial man, that the views and conduct of his majesty's ministers throughout the negociation, were directed to objects which to them appeared for the interest and honour of the country. He was free to own, that their exertions had not succeeded to the full extent of their wishes; and, after defending the conduct of administration, in endeavouring to preserve the balance of power in Europe, by preventing too great an acquisition to Russia at the expense of the Porte, he confessed it to be his opinion, that the negociation would have terminated more successfully had it not been for opinions delivered both in and out of that House, particularly on the point respecting Oczakow. Whatever his feelings, influenced by the circumstances, might be, he would admit in the broadest manner, when the subject came to a future discussion, that he had yielded, he would not say to the opinion of the whole country, but to the decided opinion of the country and of that House,

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conscious of the hazard and danger that must attend entering upon a war, while such a division of sentiments concerning its tendency existed; and he should consider himself very unworthy of the trust reposed in him, if he had endeavoured to resist the general opinion, however different from his own, at the same time esteeming the satisfaction of the country which seemed to be expressed on the relinquishment of his object, however well meant, a sufficient compensation for his own disappointment.

He came next to mention the state of the country, and to express the heartfelt satisfaction, it gave him to be able to describe it in so flourishing a condition. A constant attention to the lessening of the public burthens, and paying off the national debt, was, he contended, the best security for the continuance of its prosperity. He granted that the privilege of originating all taxes and repealing them was vested in the House of Commons. He had as high a respect for their privileges as any body, but as the demand which occasioned taxes came from the crown, he saw no reason why his majesty might not express the pleasure it would give him, when the revenue of the country was in such a situation as to enable the House to take off any part of them. Had his majesty stated any particular amount of taxes to be reduced, or specified any thing relative to the mode of reduction, there might have been some reasonable ground of jealousy, but he had merely suggested his hope, that the House would find it opportune and not difficult to take off a certain part of the taxes, and to lessen the national debt. The withdrawing any grant certainly originated there, but claiming a grant originated with the crown, as the head of the executive government. On the arguments that had been used, both as to the House of Lords and the king, by the right hon. gentleman, he said the analogy did not hold good. He stated that some appropriation of part of the sinking fund had been proposed in the time of sir Robert Walpole, and, in his opinion too hastily given up. All opinions on that point he would reserve, as the right hon. gentleman had done; but, from what he had heard, he did not think their opinions would coincide. He thought it necessary, however, in order to prevent improper speculation, to give notice that he would, on an early day, call the attention of the House to this subject; the necessary accounts would all be ready, and on to-morrow fortnight, if nothing happened to prevent it, he would bring them forward. He would now pledge himself that the general statement he was about to give of the revenue and expenditure of the country would be found, when it came to be investigated, to contain a true and faithful account of what they really were. The whole amount of the revenue last year, up to the 5th of January was 16,690,000*l.* Average of the last two years 16,600,000*l.* Average of three years 16,400,000*l.* The average of four years was less than the last year by 500,000*l.* This was in itself a circumstance of great satisfaction. In the last year there were some causes peculiar to the year, although the bulk of the increase of last year arose from permanent causes. Though he considered the increase as permanent, it was not his intention to appropriate or divide the whole of this surplus, because it was necessary to provide against possible events that might occasion additional expenses; for this purpose, he meant to reserve 500,000*l.* and all this was without interfering with the annual million for paying off the national debt. The next question was with regard to the expenditure. He contended that taxes might be taken off to the yearly amount of 200,000*l.* He took the future annual expenditure to be 15,800,000*l.* By comparing this with the revenue, the excess of the last year, after the annual million was paid off, amounted to 900,000*l.* Excess for two years amounted to 800,000*l.* For three years to 600,000*l.* For four years to 400.000*l.* This was a circumstance which afforded the highest satisfaction. He wished to make an allowance of 500,000*l.* every year for fluctuation, and meant only to take the excess of the revenue, at an average of four years which amounted to 400,000*l.* and was less than the excess of the revenue of last year by half a million. He wished to divide this 400,000*l.*, between annihilating the national debt, and taking off taxes, to wit, 200,000*l.* for each purpose. In order to leave the navy debt in the situation stated in the last report, would require 130,000*l.* He hoped, besides all this, from the surplus that would take place in the revenue, from April 5, 1792, to April 5, 1793, to get 100,000*l.*, which would enable him to take off the last duty on malt.—There were four articles from which he proposed to take off the 200,000*l.* The three first were under the head of as-

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sessed taxes. The first was the tax on carts and waggons, the second was the tax on female servants; the third was the 3*s*. a year on all houses having less than seven windows. These three put together would amount to more than 100,000*l*. The next was a very general article of consumption, and taking the tax off it would afford general satisfaction, and there was a great chance if the tax was taken off, that the commodity would really become so much cheaper. He meant to take off the halfpenny per pound on candles, which would amount to near another 100,000*l*. All this he mentioned by way of notice, and hoped it would not be thought to proceed from his impatience to publish good news by way of catching at popularity, but he thought he could not be too early in pledging himself to the particulars stated in his majesty's speech.

The question being put, that the words proposed to be left out, stand part of the question; the House divided:

TELLERS.

YEAS	Colonel Phipps - - - Mr. Robert Smith - -	209
NOES	Mr. Grey - - - - - Mr. St. John - - -	85

So it was resolved in the affirmative. Then the main question being put, the address proposed by Mr. Yorke was agreed to.

The King's Answer to the Commons Address.] To the Address of the Commons, his majesty returned this Answer:

"Gentlemen; I thank you for this dutiful and loyal address. Your cordial and affectionate congratulations on the marriage of my son, the duke of York, with the princess royal of Prussia, and the assurances of your readiness to enable me to make a suitable provision for their establishment, cannot but afford me the warmest satisfaction. I observe with peculiar pleasure the expressions of your regard to the interests of my subjects, which cannot be more fully manifested, than by your constant and earnest desire to preserve unimpaired, the innumerable blessings which they derive from our excellent constitution."

Debate on Major Maitland's Motion for Papers relating to the War in India.] Feb. 9. Major *Maitland* rose, pursuant to notice, to move for certain papers relative to the war in India. He said, that the system which had been adopted with regard to India, and which had originated from a quarter to which, in point of ability, the House had never been more indebted, was a system of forbearance and moderation; which inculcated the most pacific principles, and held out as the great object of our policy, the strict observance of tranquillity. From some cause or other, that system had failed of its effect. A war at the present moment was carried on in that country, as pernicious in its tendency and fatal in its effect, as had ever taken place during the most corrupt and venal administration. A war which was so much more to be dreaded, as it presented no prospect of its conclusion: we had no longer the recovery of tranquillity in our own hands: we were wholly in the power of our allies, and depended upon their concurrence for the re-establishment of peace. And who were these allies? Allies whose sole object was rapine and plunder; who were desirous of a continuance of the war, in order to promote their own mercenary views. They had no other object than to enrich themselves from every quarter, and to benefit equally by our wealth, and the pillage of the enemy. The present transactions in India were pregnant to this country with the most serious consequences. It might afterwards be found that India debts were to be defrayed by British burthens, and that the mischiefs of Indian avarice and ambition were to be expiated by British citizens, by an addition to taxes, which were already but too aggravated. Was it recollected by those who urged the danger of discussion, from what threatening consequences the discussion on the Russian armament last session had saved this country? He should briefly state the nature of those papers, which he meant to move for. The first was a letter from lord Cornwallis to the Nizam, dated July 7, 1788. This letter, from the use which had afterwards been made of it, he could not help regarding as a piece of diplomatic artifice. It proved three points: 1st, that at the time the letter was written, there existed an amicable intercourse between Tippoo and the English; 2dly, if any treaty was formed to ratify the 10th and 11th articles of the former treaty of 1768, it was to be considered as a treaty of partition, and afforded Tippoo just cause of suspicion and jealousy; 3dly, that the conduct

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of the British government in that country, with regard to Tippoo, could be placed in no other point of view than as a breach of treaty. It was not necessary that we should enter into a war on account of the disputes respecting the forts, as these had been purchased without our consent; and were the demarcation of limits to be assigned as a ground for war in that country, such a pretext would not be wanting every day. That Tippoo had not brought forward this letter among the causes which he had urged for hostility, was a proof of his moderation. He should barely touch on the treatment which the Indian princes had met with, who espoused our cause: after having exhausted all their resources in our support, they were left beggars and vagabonds in their own dominions.—The next papers for which he meant to move, were those relative to the loan to the Mahrattas. In the gazette this loan was stated to be about ten or twelve lacks; but was this ascertained to be the whole amount? After having received this loan, the Mahrattas went westward. Had this sum been necessary to purchase their co-operation? At last they had found out the communication of which they were so fond—the communication with the company's pockets, and which, no doubt, they would take every occasion to renew.—The other papers which he wanted, were those relative to the proposals of peace that had been made by Tippoo, and the reasons that had operated for rejecting the same. It was necessary that these should be known, in order to ascertain the footing upon which the war at present stood. It might become dubious how far the war continued to be just, after reasonable terms of peace had been offered, and were refused. Was there not reason to suspect that aggrandizement was now the object of the war? The military language, which held out extension of territory as a sufficient ground for carrying on the war, would, he trusted, never find its way into that House. At present the executive power of war, and the deliberative power of peace, were vested in one person, the governor-general. He was himself a soldier, and gloried in the profession to which he belonged; but he must confess, that the man best qualified to lead an army to victory and conquest, was not the most proper person to determine when the sword ought to be sheathed, and an end put to his own pursuit of glory. Unfortunately for us, lord Cornwallis being at one and the same time the civil governor and military commander in chief, had not only the power of determining when we should make war, but also when we should make peace. This latter power, he thought, ought never to be trusted to a soldier; because war was naturally his profession, military glory his pursuit, and peace stood in its way. We had now placed "our empire on a cast," and were resolved "to stand the hazard of the die." There appeared no other means of supporting the war, but by specie from this country: and the consequences of a war carried on in such circumstances might be easily anticipated. He concluded with moving,

1. "That there be laid before this House, copies of all orders or instructions from the court of directors, or the secret committee to the governments of India, relative to the conduct to be observed towards Tippoo Sultan, or the Nizam, from the 1st of January 1788, to the receipt of the first accounts from India of the commencement of hostilities with Tippoo. 2. Copies of minutes of all consultations of the Bengal government, relative to any negociation between earl Cornwallis and the Nizam in 1789. 3. Copies of all correspondence between the court of directors, or the secret committee, and the governments of India, relative to any negociation carried on by earl Cornwallis with the Nizam in 1789. 4. Copies of all parts of letters from earl Cornwallis, or the presidency of Fort St. George, relative to a considerable loan of money promised by lord Cornwallis to the Mahrattas in June 1791. 5. Copies of all accounts received by the court of directors, in their public or secret capacity, from their servants in India, relative to proposals for peace, either written or verbal, made by Tippoo Sultan since the commencement of the present war in India, together with the reasons assigned for not accepting the same, according to the latest advices."

The first motion being put,

Mr. *Francis* began with saying, that he should have been contented with seconding the motions in the usual form, and left them to prevail, as he thought they must have done, by their own evident propriety and necessity, very ably enforced and illustrated by his hon. friend, but for an extraordinary declaration, which he understood had been made, for

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he had not heard it himself, by the secretary of state for the affairs of India, viz. "that he was determined not to consent to the production of any of the papers proposed to be moved for; because it might lead to discussions, which would be dangerous in the present circumstances." This declaration, I must own, has filled me with amazement. That it should proceed from that honourable person in particular, is indeed astonishing. I shall confine myself strictly to the motion for papers, and carefully abstain from entering at all into the merits of the war, which must be the subject of another debate. I have now sat in parliament about eight years. In that time, the affairs and government of India have been almost perpetually before us, and one way or other the subject of incessant debate. On every other topic we have differed,—on every other principle we have disputed; on this point alone there never yet was a difference of opinion—that transactions in India could not be made too public in this country: that the publication of them could never be injurious, or the concealment beneficial, to the public service. The truth of this proposition has been repeatedly insisted on by all parties, and never was denied. The case, that constitutes a fair and rational exception to a rule so acknowledged, must be powerful indeed, must be clearly and specifically made out, and not taken for granted upon bare abstract possibilities. In the present instance, I believe I may defy the most subtle imagination to conceive, or the acutest human wit to state, a specific danger, or even an inconvenience, that can arise from a production of the papers immediately in question. When papers are called for, which relate to discussions between this country and any of the other European powers, the pretences usually set up for refusing them are, that negociations are depending, that military operations are in contemplation; that the former may be embarrassed, and the latter defeated by an unseasonable disclosure of transactions unfinished and in suspence. Be it so. The argument, if it were ever so good in Europe, proves nothing with respect to India. The cases have no connexion. No rational conclusion can be drawn from one to the other. We are speaking of events, which happened several months ago on the other side of the globe. The report of our debates cannot reach the scene of action till many months hence; and when it does, I should be glad to know how the parties are to understand, or in what sense they are likely to be affected by what we say of them? If it were possible that the contrary might be true—if it were admitted that the policy of concealment ought to be applied to transactions in India—then let me call upon the House to consider, in what situation the actual application of that policy supposes us to be. We are told by the highest authority at home, that there is "a reasonable ground to hope that the war may speedily be brought to an honourable conclusion." Our governors in India tell us, that "we must be undone by procrastination." Yet now, on the 9th of February, 1792, the production of papers is to be refused, lest it should betray the operations of an existing war, or distress the conduct of a depending negociation. At this day, then, the war exists; the peace is not concluded. Even that supposition, alarming and dreadful as it is, is not sufficient to justify the refusal. The ministers must state it to us in terms, that the war not only exists, but is likely to exist six months hence, when the advice of what we are now doing may arrive and make its impression in India. Even upon their own ridiculous principle of concealment, no other state of facts will bear them out. If the war be at an end, whether by victory or by treaty, all pretences for secresy are annihilated.—Sir, I am sensible that these considerations are of a negative nature. I shall now endeavour to support the motion by other arguments, which appear to me positive and unanswerable. To refuse the explanations demanded, on a subject into which this House and every member of it, has not only a right, but is bound by duty, to inquire; I mean the cause, the continuance, and the effects of a war, which, as we are assured by those who conduct it, "cannot, even if attended with the utmost success, prove advantageous to our affairs," is a palpable injustice to many parties. In the first instance, it is unjust to us, (and not the less unjust, because it may be done without reluctance), who are endeavouring to perform an important, perhaps an invidious, duty to our constituents. In this inquiry, if the object of it be proper, and if the mode of our proceeding be fair and regular, we ought to be supported and assisted; we ought not to be discouraged or disabled. We have a right to all the materials and informa-

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tion, that may be necessary to make the inquiry complete and effectual to its purpose. In the second instance, it is an injustice to the public, to refuse to us, their representatives, the means of executing a public service. It is unjust to keep the nation in suspence and anxiety, concerning the circumstances and details of very important military operations, in which our armies are engaged, in which the wealth of India is wasted, but of which we know nothing but general results, and those very lamely and imperfectly, I mean from authority. Of what use is it to know the bare event of an enterprise, without its circumstances, or without its consequences? It is unjust to the nation to drive and reduce them to depend on private information, on the retreat of our armies, the sufferings of our officers and soldiers, perhaps the indelible disgrace of our arms. Finally, Sir, it is unjust to a person, to whom, if I may judge by the exalted terms applied to him, no injustice is intended, to lord Cornwallis, who is not allowed to speak for himself, whose letters come before us not entire as they should have done, but by piecemeal, garbled and extracted by the presidency of Madras. Even for his sake, we ought to have been informed of the whole of his situation; even for his honour, the public mind ought not to be left open to a suspicion that any material circumstances were concealed, or to the unavoidable inference from that suspicion, that, if the entire truth were produced, it would fail a little in the support of those praises, profusely, I do not mean to say undeservedly, but perhaps prematurely lavished upon him, and exclusively confined to his conduct. Is it possible for any reasonable man to affirm, that the events of this campaign, on the face of the accounts published by authority, suggest no cause of anxiety, no ground for hesitation, no motive for inquiry? In effect, what is it we know from the Gazette, but that the greatest European force, to say nothing of our allies, that ever appeared in India, that a force sufficient to have conquered twenty Tippoos, has taken an Indian fort, has beaten an Indian chief; and then been compelled to burst their cannon, which, for the last several marches, had been drawn almost by the soldiers; to destroy their military stores; to abandon their tents and camp equipage; and to retire to the place they set out from about three weeks before, to save the whole army from perishing by famine. These, we are told, are brilliant successes; these are the effects of a pitched battle with Tippoo, in which, it seems, "we gave him a total defeat." The day before the engagement, lord Cornwallis declares, "that all hopes were then at an end of being able to execute his original plan." Why so? Did he set out with a power or preparation unequal to the enterprise? or was no calculation made of the quantity of provisions necessary for such an army during their probable continuance in the field? Was it reasonable to expect that the original plan could have succeeded in less than a month? The army marches on the 3rd of May from Bangalore, and arrive at the place of their destination in ten days without meeting with any hostile opposition; on the 14th they take their ground; on the 15th they give battle; on the 16th they find themselves obliged to retreat and to abandon the whole plan and object of the campaign. I do not say that these events, calamitous certainly, if not disgraceful, may not be fairly and rationally accounted for, in a way that may answer all objections, and remove every possible idea of censure; though it is beyond my conception, that they ever can be converted, by any explanations, into a subject of triumph. A general, who does not, in the first instance, secure his magazines, who ventures into the heart of an enemy's country, without a certain supply of provisions, proportioned to the probable duration of the enterprise, seems to me to fail in one of the most essential articles of military prudence; at the same time, I do not take upon me to judge, to pronounce, or to condemn. We are left in the dark; let us inquire; and then and not till then, we shall be able to do justice to the character and conduct of lord Cornwallis.—Let us now turn our eyes to the other side of the Cavery. Another powerful army has been obliged to retire, with the loss of their baggage, cattle, and camp equipage. This is all the information that government has thought fit to communicate of the retreat of general Abercrombie, accompanied, as I believe it was, with every circumstance of distress, of misery, and disgrace: without a misfortune to plead; no attack on their rear, no defeat in the field, but a perfect panic, a rout without a pursuit. This at least is the present universal impression of this transaction. If it be groundless and unjust, why are we left

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without better information? Is it fair to the public, is it common justice to general Abercrombie, to leave his reputation at the mercy of private letters; to give us no authorized account of the motives and circumstances of an event, which on the face of it at least, is not honourable to the British arms, in which we know that our army suffered every thing that could be suffered, except defeat? Has general Abercrombie never written any letter upon a subject so important to himself, as well as to his country, except that of the 19th of June, of which a short extract was published in the Gazette? Is it our fault, that we are driven to depend upon private letters for intelligence? I do and must rely upon it, because I have no other, and the rather, because that which ought to be given by authority is withheld. Allow me to state to you a singular fact, which I believe to be true, and which I hope will help to attract the attention of the public to the whole transaction. My object is not to press upon individuals, not to reflect upon a commanding officer, who possibly may have been compelled to act as he has done, by circumstances of indispensable necessity, perhaps by peremptory orders, which left him no choice; but to promote a fair inquiry, by which all parties may be justified. It is perfectly possible, and I shall be happy to find it true, that calamity, and even disgrace, may have existed in the fact, without a shadow of blame upon the person. The circumstance I allude to is this: in the rear of this precipitate retreat, a captain of one of the company's battalions had contrived to bring away the guns belonging to his battalion. Being sent to, to know why he did not march with greater expedition, he said, he should follow them as fast as he could, "but he had not been used to it;" that the company's officers had not been in the habit of flying from an Indian enemy, much less of leaving their guns behind them. If their guns had been all that they abandoned on that occasion, the loss might be of no great consequence. Many private letters affirm that they brought nothing away with them, but what they could carry on their backs. Is it so, or is it not? We demand the truth, and we have a right to know it. Were they in such a hurry as to leave their stores and provisions untouched, their military chest, and all their baggage? Above all things, is it true that they left their sick in the hospital at Periapatam to the mercy of the enemy? What, to the mercy of a man, whom we call a barbarous, cruel, perfidious tyrant, whom the writers of the Madras Gazettes are perpetually insulting and exasperating by the most opprobrious abuse! I do not believe he deserves it; I do not believe he will treat his prisoners with severity. But let his character be what it may, is it prudent, is it becoming, is it not utterly ignoble in us, to revenge ourselves by personal invectives, against a great chief (for great he is in many qualifications) whom, hitherto at least, we have not been able to subdue? This, surely, is no time for insults, if insults could ever be applied with propriety to a gallant prince, defending himself as he has done, defending his country and his crown, against such a power and preparation as that, which has now, for two years together, assaulted him in vain. With an enormous superiority of strength, the attack that does not succeed, in point of military reputation, is defeated; the resistance that is not overcome, in point of honour is victorious. You have been told by Mr. Hastings, whose knowledge and abilities I have not disputed, though I condemn the use he made of them, that "our existence in India hangs on the thread of opinion." The expression may be overdone, but in substance it is true. Whatever the final termination of the war may be, the apparent state of facts cannot be favourable to us in the eyes of India. Two campaigns have been lost; two armies have re-retreated; either of which, in former times, when great things were done with little means, would have been more than a match for any of the native powers in that country. Without pronouncing on the conduct or character of any man, I hold it to be the special duty of this House to inquire, whether the reputation of unquestionable superiority, which we possessed before the war, and on which so much of our security depended, has not been unnecessarily hazarded by the rupture with Tippoo, and considerably impaired by the events of the war.—Another object, into which the House is specially bound to inquire, is the expense of this war. We know, with too much certainty, that it must be immoderate. But what the amount of it has been already; to what excess it may be extended, or where it will end; we neither know with precision, nor have we the means of

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forming a probable conjecture on the subject. On whose shoulders this enormous burthen is ultimately to fall, is a question, which this House cannot refuse to examine, without renouncing their office, without deserting their station, without treachery to their constituents. If I promote the inquiry, believe me, Sir, it is not because I doubt. It is, that this House and the nation may calculate in some degree, how much they are to pay; that they may foresee what they must feel, and endeavour to fix some limitation to an expense, which one way or other, must be supported by this country. Will the right hon. gentleman take upon him to affirm, that the charge of the war will be provided for by those whom it concerns; that the House will never be called upon to make good any part of it; that the unappropriated assets of the India company, or the surplus of the territorial revenues, are sufficient to defray it? I will not combat such propositions as these, until I hear them distinctly stated. Whenever that may happen, I give the right hon. gentleman notice, that I shall carefully observe his words, and endeavour to preserve them. What language the court of directors may hold, in their official communications with government on this subject, I know not. In their private conversations elsewhere, I have some reason to believe that they disclaim the idea of subjecting the India company to any part of the expenses entered into without their consent or knowledge. In the cause they have no concern: over the conduct they have no control; by the event they ought not to be affected. They say that, since the government of India has been taken out of their hands, and vested in effect in the ministers of the crown, if wars are created, the company have nothing to do with it; if debts are incurred they must be paid by the nation. It is high time, Sir, that this question should be cleared up. Let us know, once, for all, whether a war in India be a national war or not; I mean, in point of expense. I do not mean to admit that, if it were as certainly true as I know it to be false, that the resources of the India company are equal to the burthen, and that this country is never to bear a part of it, it would be the less our proper right and duty to inquire, and take care that those resources should not be prodigally wasted, or wantonly misapplied. We are at all times the guardians of public property against abuse, even when we do not dispose of it for the public service. A state of the finances of India is brought before us every year. We already exercise the right of inspection and control over the territorial revenues; and, if this be proper in time of peace, will any man deny that it is infinitely more so, when you have the unlimited expenses of a war, as well as your peace establishment to provide for? I do not insist much on these topics, since I do not believe that the right and duty of the House, in this respect, are likely to be disputed. All expenditure of public money should be publicly accounted for. Independent of the cost of our own army, a large sum of money has been lent to the Mahrattas. Of the specific amount, or of the motives for parting with it, no account is given. It could not, however, have been less than twelve lacks of rupees, and it may have been much more. All we know of the matter is, that lord Cornwallis had been obliged, "for reasons he could not then explain," to promise a considerable loan to the Mahrattas; and that "he had therefore desired the presidency of Fort St. George, immediately to take the amount of twelve lacks of rupees out of the China ships, notwithstanding any orders they might have received to the contrary, and coin it into rupees with as much dispatch as possible." In the year 1780, Mr. Hastings, too, found himself obliged to give or to lend, I forget which, but it makes no difference, twenty-six lacks of rupees to another Mahratta chief called Moodajee Boosla, who to this hour has never paid a farthing of it, nor ever will. But this, it seems, is a loan! He might as well have called it a gift at once, and taken credit for his generosity. Will the right hon. gentleman tell us what security has been taken for the debt, and how he proposes to recover it? I should like to see a note of hand from Pursuram Bow, or a bond and judgment executed by Hurry Punt. Sir, I should just as soon expect to be paid by a highwayman, who had robbed me on Hounslow-heath, and promised to refund, whenever he was in cash. In this transaction, the House have a right to suspect that we have suffered something worse than the loss of so much money, and that the concealed reasons may be of more consequence than the avowed fact. This pretended loan, for any thing that appears to the contrary, may in effect have been a tribute; and in fact, if not in form, a practical acknow-

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ledgment of their claim to the chout, or fourth part of the revenues of Bengal, which they have never relinquished. To pay money to the Mahrattas cannot, in any circumstances, be a safe or honourable measure. Their uniform practice is to take all they can get, and quarrel for the rest: the more you give them, the more they expect. If it should be contended that, in this case, the sacrifice of a great sum of money was indispensably necessary, I have no difficulty in believing that the plea may be well founded. Then, indeed, we have no occasion to ask what the situation was that created the necessity; but it is so much the more our duty to inquire, by what means we came into it.—Another very important object is to know, what has been the conduct of our boasted allies, the Nizam and the Mahrattas, to whom the right hon. gentleman has thought fit to pledge the honour of the British nation, and with whom, it seems, we are to divide the dominions of Tippoo, as soon as we have conquered them? Does he know and will he tell us, what service they have done: what bravery they have exhibited in action, or with what disinterested generosity they have relieved our distresses? All we know at present is, that lord Cornwallis is not so very proud of his allies, as some people here pretend to be, and that, in all appearance, he might have succeeded much better without them. The Nizam's troops, far from rendering the services that he had expected from so numerous and powerful a body of horse, did nothing but exhaust the forage and provisions, disobey orders, and distress the army in all its operations. Such are the banditti, to whom the honour of the nation is engaged! But the Mahrattas, perhaps, have conducted themselves with greater fidelity and more spirit. Private letters, I do assure you, are very moderate in their praise. But what do we collect from the public advices? That they suddenly appeared in the nick of time to share in the plunder of Seringapatam, if lord Cornwallis had taken it; that they had promised him a supply of grain, which they could not or would not furnish, and that, even if they kept their word, of which he has some doubt, it would only serve to hold him in a state of wretched dependance on the Mahratta Bazar, where he must be obliged to pay an immense price for a scanty subsistence, and be exposed at all times, to the risk of a total failure! In the end, they do him the favour to borrow a large sum of money of him, and then they acquiesce in his lordship's beginning to move to the eastward.—Other reasons might be stated in support of the motions; but these, I conceive, are sufficient to convince any man, with whom reasons have any weight. You may cripple the inquiry if you please, or make it imperfect, by denying us the materials and information, which we have a right to demand for the public service. But let this House and the nation take notice, that the necessity of the inquiry will be virtually enforced and acknowledged by a refusal of the papers, if they should be refused: for what would it amount to in effect, but a palpable confession that the papers would not support the elevated character given of the war, but that, on the contrary, the whole conduct of it has been attended with such expenses, and involved in such losses and calamities, as they who exalt the war in general terms, are afraid to exhibit in detail to the inspection of parliament.

Mr. Secretary *Dundas* begged leave to call the attention of the House to some things which had been stated in the course of that evening's conversation, and particularly by the hon. gentleman who spoke last. He said, he did not mean to stand up the advocate of lord Cornwallis, because he did not conceive that reflections, like those the House had heard, would have been made on the conduct of a general officer, employed in the service of his country, who was not present to defend himself; much less that language would be applied to him, such it was not customary for one gentleman to hold to another. It certainly rested in the discretion of the House to give, or not to give the papers. It had been asked, what mischief would ensue from their production? But had it been forgotten what danger might have followed from a former demand of this sort, if the poison had not immediately been attended with its antidote? The effect which discussions in this country might have on the princes in India, unacquainted with the language and mode of proceeding of a British parliament, was still more to be dreaded than in the case of European princes, by whom both these were better understood. In short, upon every view of the matter, he contended, that all the arguments respecting the distance of India, went rather to prove the impro-

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priety of such discussions upon Indian topics, than their utility. With regard to the motions that had been made, he did not think they would answer the hon. gentleman's purpose, but, excepting one of them, he should have very little objection to them. The hon. mover had stated, that possibly their production might be mischievous to ministers, however honourable to lord Cornwallis. He would, in reply to this, inform him, that there was no line of distinction to be drawn. There was no one measure of lord Cornwallis, since he had been in the situation of governor-general of Bengal, which he was not ready to take upon himself in the most complete and unequivocal responsibility, and abide by the consequences either of applause or blame. Let not gentlemen, then, seek for an absent object of censure, since he had furnished them with one nearer at hand. With regard to the letter of lord Cornwallis to the Nizam, of the 7th of June 1789, which had been adduced as a proof of breach of treaty, he should ever regard it as a testimony of his lordship's sacred attention to treaties. Had the hon. gentleman forgotten the treaties of 1766 and 1768? With regard to the assertion that the public mind was left in the dark by ministers, he must say, that it was not true in point of fact. The letters that were inserted in the Gazette were the genuine letters of lord Cornwallis, and not partial extracts from them; the public, therefore, was in possession of every intelligence that government had received; perhaps the gentlemen on the other side were in possession of much more. With respect to general Abercrombie's retreat, and the partial loss of his baggage, he believed the fact was, that the general gave an order not for a retreat, but for his men to be under arms, and that his troops thought it was with a view to an attack and not a retreat; in consequence of which some of them placed their baggage so as to endanger it and oblige it to be left behind, when they found that the object of the general was to march. General Abercrombie was well known to be a gallant and an able officer, who had uniformly served his country with honour, and was fully entitled to have the most favourable construction put upon his conduct, especially before that conduct and the motives that governed it, were clearly known. The insinuation that it was the intention of government to conceal the real state of the war, was unfair and false; and with regard to the assertion respecting the finances of India, he could not but think that it was peculiarly unfair that it should be made use of against him, who was, he believed, the first to introduce the custom of annually stating the financial concerns of the company at large to the House. Ignorant as he was of the precise extent of the expenses of the present war in India, he was ready to renew a former assertion, and to declare, that the time was nearer at hand, when the resources of India would administer aid to the revenue of this country, than that on which we are to apprehend, that India would call for aid from the finances of this country. With regard to the last motion, respecting the offers of peace that might have been made to lord Cornwallis, if it were to pass, he verily believed the return to it would be, that there were no accounts of any such offers; but the reason he objected to it was, on the principle of the motion itself, namely, the calling for accounts of negociations of war and peace, while those negociations were pending. He was resolved to give no sanction to the entering of any order upon the book, which should afford a precedent for such a practice.

Mr. *Fox* said, that he rose merely in consequence of an imputation which had been thrown out by the right hon. gentleman upon him, and upon those who acted with him, as if they felt a pleasure in attacking the characters of individuals, more especially of officers, who were absent on duty, and had no means of defending themselves. He begged the House would do him the justice to recollect, that he had ever made it a rule during the number of years which he had sat there, not to attack the character of an absent officer. He had condemned the American, as well as the present Indian war, and he had passed severe censures on those who were the authors of it; but he had never gone so far as to animadvert upon the professional conduct of those who were employed in commanding our forces by sea or land. The conduct of lord Cornwallis in that war had been often the subject of his approbation. As far as regarded the military capacity of that noble lord, he was always ready to give him credit for great abilities, if his conduct seemed to warrant that opinion; but, when he was called upon to vote an address, acknowledging the able conduct of

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lord Cornwallis, was he not forced, as it were, to consider that conduct, and to inquire where the ability consisted? The blame, if any, should rest where it was due in this case; namely, with his majesty's ministers. Why was the House called on to applaud lord Cornwallis, and to compliment him as an able officer, on the experience we had of the war in India? Why was the House asked to praise where they had experienced only disappointment? This was surely provoking a discussion, in a manner equally unfair to the character of the noble lord, and indecent on the part of his majesty's ministers. After a series of attempts and failures, they were called upon to vote that the war had been ably conducted. In all those occurrences he saw nothing like ability, nothing which could afford ground for approbation. Forced into such a situation, what was he to do? Was he to sit silent, or to consent to tell that to the king which he did not believe? Or was he to deliver his sentiments, and risk the danger of being deemed uncandid and illiberal? Was he to carry up falsehood to his sovereign, to whom, as one of the most sacred duties of a subject, he owed truth? Was he to applaud the conduct of lord Cornwallis, when he saw no reason to applaud it, and when, perhaps, in the point of view in which it appeared, there was more reason to consider it as an object of censure? And yet this must be the case, if he was to be told he behaved with harshness against a brave officer, when he was only doing what appeared to him to be his duty as a member of that House. There was an end of the utility of that House, if its members, when they were delivering their opinions on the characters of the commanders of our forces, were to be stopped, and told that they were attacking the character of a man who was not here to answer for himself, and that we ought to suspend our censure until he came home. When he was put to this dilemma, the blame ought to be on those who compelled him to deliver his sentiments by their demand of approbation, and who had obliged him to take such a part as he owed to his own conscience and his duty to his constituents.—He was happy to find that the papers called for were to be produced. He was, however, surprised at the difference of opinion that had taken place since the notice given by his hon. friend of the present motion, as the right hon. gentleman had certainly said on a former day that he would oppose that motion, and every one of the same kind. He must confess he was far from being pleased with this declaration. It seemed to introduce a system of which the right hon. gentleman was too fond, and looked as if he meant to haul the minister's friends through all the dirt and mud of his business, by tamely and submissively relying upon him for their directions. Was this a light in which the House of Commons should be placed? Were the representatives of the people to be told, "When ministers are inclined to give information to the country, you may vote for the production of papers, but when they are not, you must resist every call for them, however necessary, or however consistent with the constitutional principles of this country." This was pursuing too far that doctrine of confidence which had been so much brought forward last session, and with respect to which the right hon. gentleman had urged, in his opinion, the most unconstitutional arguments. The right hon. gentleman had said, that it was improper at all times to call for papers or information pending a negociation, and that the result, whatever it might be, should be sanctioned by a vote before any inquiry should be made respecting the origin, circumstances, or conduct of it; a doctrine that he would never subscribe to, because he conceived it to be fraught with every thing that was bad, and in direct contradiction to the very nature of that constitution, which we were all so happy to pronounce an eulogium upon; and none could be more so than he was, when its theory was attended to, and its practice conformable to its real principles. Of those principles, the new-fangled system was more subversive than any of the wildest schemes that the wildest of modern reformers could ever have devised.—The right hon. gentleman had said, that the papers, particularly the letter from lord Cornwallis to the Nizam, dated July 7, 1789, had been on the table three months before the last session was concluded. It might be so: for himself, he had no hesitation in declaring, that he had not read it; for it must be in the recollection of the House, that a matter of very great importance arose, to which his attention was naturally drawn—he meant the armament against Russia. So much had it occupied his mind, and so much was he convinced that his duty to his constituents and to the people of Eng-

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land, called for every effort he could exert, to ward off the impending danger that he was prevented from turning his thoughts to any other subject. He believed his friends were equally inclined to do their duty; and he was proud to add, what he thought he might do without the imputation of vanity, that his exertions had not been altogether useless, and that, though placed in a minority, that minority was found to have acted in conformity with the wishes and the real interests of the country.—The right hon. gentleman had said, that if all the papers moved for, and all that could be moved for, were upon the table, nothing could appear that would explain to the House what the offers of Tippoo to make peace were: and that if any thing did, he certainly should oppose their being produced. Perhaps it might be so; but when the right hon. gentleman stated that he was totally ignorant of these offers, and knew no more of them than other people, he could not help thinking it one of the most astonishing facts that ever had occurred; that lord Cornwallis, as governor-general of India, had been, on all occasions, writing home, that a protracted war was ruinous to the company's finances; that a speedy and honourable peace was his earnest wish; and that, though several offers to make peace had been made by Tippoo, none of them were of a nature that he could accept; yet that he never had mentioned what those terms offered were, or what were his reasons for not accepting them. If the government at home had received any information of the terms that had been offered, he thought it was their duty to send out orders to conclude peace as soon as possible, and while it might be done honourably, at least; which was more than could be expected, if we were unfortunate enough to experience a continuance of the same calamitous events. Upon the right hon. gentleman's principle of unlimited confidence, it was impossible to foretel what ill-consequences might ensue, particularly if no right was allowed to that House to inquire into the conduct and expense of a negociation or war until it was ended. What was become of the boasted privilege of that House, to inquire into every measure that could bring expense upon the country, which they, as representatives of the people, must provide for, by laying additional burthens upon their constituents, if they had it not in their power to give an assent from conviction, that there was expediency, justice, or policy in the measure which occasioned that expense? What was now the language held out by this claim for confidence in ministers, but that they have entered into a war which must be attended with heavy expense, but with regard to the nature or extent of which, they would resist all inquiry, and till it should be concluded no means of information would be afforded. He had only to recall the attention of gentlemen for a moment to what happened last year, with regard to the Russian business, to show how decidedly this was the object of the present administration. The right hon. gentleman had properly said, that a day would soon come for discussing that business, and it was not his intention to enter into it now; to-morrow they were to be called upon to vote the expense of the armament, and must agree to pay that expense before they had received any information of the propriety or wisdom of the negociation which occasioned it. It was not his intention to refuse voting the expense to-morrow; indeed he knew it to be impossible: because, however much he and the country might disapprove of the measure, still it was obvious, that the expense incurred must be paid.—Upon this principle of first paying, and then inquiring into the cause of the expense, the right hon. gentleman had gone to such lengths, as the House ought to beware of sanctioning. If they were not, million after million might be expended, and till the country was ruined, no satisfaction would be given, except that confidence must be placed in ministers. It was here we saw the system of those who boasted so much of their attachment to the constitution and to the principles of liberty; but whose practice was at variance with their profession. In vain did we boast of our attachment to the principles of a well regulated freedom. We were perpetually praising our constitution in words, and daily introducing new abuses into it in practice. And thus might we go on boasting that we were the most free until we had entirely lost our freedom, and that by this innovation lately introduced into the constitution—the innovation of confidence! This confidence in individuals, in the mind of that House, was to precede the interests of the people. The ministers by this might move and carry armament on armament, on the most trivial

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occasions, on the slightest reasons, or entirely without reasons, and the people had no means whatever of preventing it; nay, the members of that House were precluded from judging of the measures at all, until they were called on to vote the money of their constituents to pay for them. Supposing, for the sake of argument, that these measures should turn out to be ill advised, unnecessary, or even ruinous to this country, what mode had the people of obtaining redress? None, except that of a criminal proceeding against the ministers who were the cause of it. The only security the people had was the responsibility of the ministers. Was that a sufficient security? It was not. In short, it was not any security in most cases; for supposing the minister who may have been the cause of great calamities to the state, was incorrupt, but that in the opinion of the people his measures had been only unwise; or, supposing the measures to be wise, and against the opinion of the people, what remedy could there be had in either of these cases? In the first, the people would be too generous to punish, because it was against the principles of humanity, as well as the law of every good community, to punish a man merely for want of wisdom. On the second case, what would be the consequence? An innocent and meritorious man would suffer for his own virtue, merely from the misfortune of his conduct happening to be misunderstood by the public; and he would be left to say to his misguided countrymen, "What! will you accuse me for acting as well as I could for your interests?" What, then; were we to punish such a man? No, God forbid! Then, as to the other man who might be incapable, what was to be done with him? Had we that court of criminal justice, by which we could try a minister on the size of his capacity? We had no such court. But supposing, for the sake of argument, we had a court in which all these points could be provided for, what satisfaction could result to a country drained of its wealth and resources? What retribution would the disgrace or the destruction of a minister make to a country that had been ruined and undone? The punishment of a minister! a poor, paltry resentment, instead of a retribution! Thus stood the political state of a country said to possess perfect liberty,—a country, where, it was said, the opinion of the people was the highest authority, and their will the law! The opinion of the people, indeed, might at last prevail; but according to this doctrine of confidence in ministers, this innovation in the constitution, the opinion of the people would not begin to operate until the country was ruined. Ruined we might be, although the people were not ignorant, nor their representatives corrupt, but merely, because the minister might blunder and mistake. If such a country could be called a country of liberty and perfect freedom, he did not know what liberty or freedom was, nor wherein consisted the excellence of its constitution.—He hoped, however, that, from what he had said, he should not be considered as speaking against the constitution of this country. He spoke not against the constitution of this country, but against the theory and the practice which the late doctrine of confidence had introduced. They were against both the theory and practice of the constitution of this country; against the earliest impressions in favour of that constitution made on him by his education. He had been taught to think, that all the evils, of which he had that night been complaining, were to be prevented by the timely interposition of that House with its advice, when a minister was pursuing a plan that might be destructive to his country. He hated the innovation of confidence, of which he had been speaking. There was nothing of the spirit of the people of this country in it. They might as well say to the minister, "To you we give all the trust that was once delegated to our representatives; to you we give the disposition of our property: to you we give the whole care of all our interests, without control or inquiry."—The right hon. gentleman had declared that he knew nothing of the proposals of peace which had been made by Tippoo, or the reason why they were refused. But, because he was totally ignorant of the nature of these proposals, was the House to be precluded from all inquiry respecting them? Because a minister had neglected to provide himself with the means of information, were they to sanction that neglect, or abandon those discussions, which they owed to their own duty, and the interests of their constituents? The retreat of our armies in India was a proof of the complete failure of the object which lord Cornwallis had in view. The retreat of general Abercrombie was attended with every aggravating circumstance of loss

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and ignominy. It had been too gently styled a retreat, but it was in reality a downright flight, in which our baggage, artillery, and the hospitals of our sick and wounded were left behind. He was not sufficiently acquainted with circumstances to decide in what quarter censure was due. But the fact must be admitted, that general Abercrombie had been compelled to make a retreat, in such circumstances as were disgraceful to the British arms. What these circumstances were, or where that blame was to be attached, ought surely to form the subject of discussion, before they could, with propriety be called upon to deliver any opinion.—Previous to the meeting of parliament, he had determined to say nothing in any debate on the subject, respecting the conduct of lord Cornwallis; and he should never have departed from that resolution, had he not been called upon to deliver his opinion by the words of the speech, and the arguments of those who moved and seconded the address; had he not been called upon to applaud abilities, of which their conduct afforded him no proofs, and to congratulate success, which the state of our affairs in India by no means seemed to warrant, from any information which had yet been laid before that House.

Sir *James Murray* said, that had the debate been confined to the propriety of producing the papers, he should not have troubled the House that evening, but he conceived the character of general Abercrombie to have been so illiberally reflected on, especially by the hon. seconder, that it required from him a word or two in justice to the absent general. He had the honour to have served under him, during the last war in America, and knew him to be an active, able, and zealous officer, esteemed for honour, integrity and military talents. His misfortunes ought not to have been aggravated by uncandid insinuations. It was sufficiently unfortunate for a brave officer to be in a situation, in which he could neither conduce to his own honour nor the service of his country. That general Abercrombie had found it necessary to retreat, was a matter of notoriety; and in all retreats losses were sustained, but it was very easy for those losses to be exaggerated by the ignorant or malignant when the circumstances of such losses could be little known to either side of the House.

Mr. *Francis*. Let me intreat the indulgence of the House for a moment. The hon. gentleman accuses me of having said something disrespectful of general Abercrombie, without stating what it was. I positively deny the charge: and I should have thought that hon. gentleman had not sat long enough in parliament to have learned the policy, common enough with his more experienced friends, of evading the force of general arguments, by endeavouring to turn them into personal reflections. What I said was, that the facts on the face of them, are calamitous and disgraceful, though possibly the commanding officer may not be deserving of blame; and that if this impression be ill founded, if it bears hardly upon the conduct of any individual, it is the fault of the king's ministers, who drive us to private letters for intelligence, and refuse to give us authentic information.

After a few words from major Scott in opposition to the motion, the question was put and carried on each of the motions, except the last, which was negatived.

Debate in the Commons on the Army Estimates.] Feb. 15. In a Committee of Supply, the secretary at War rose to move the ordinary and extraordinary expense of the army.

Mr. *Fox* said it had not been usual to move the extraordinary on the same day with the ordinary, and as it was unexpected, gentlemen, who wished to make remarks on the latter might be disappointed.

The *Secretary at War* said, that no surprise was intended, and if any gentleman wished the extraordinary to be postponed, he was ready to let it stand over to another day.

Mr. *Pitt* said, the reason of taking a separate day for the extraordinary of the army was, that the estimate of it could seldom be presented so soon as that of the ordinary; but as both estimates had been this year presented at the same time, there could be no objection to voting them on the same day. If, however, any gentleman would say, that there was any thing in the estimate of the extraordinary, which he had not had time to consider, he had no objection to putting it off till another day.

Mr. *Fox* said, it was impossible for him to say that the estimate of the extraordinary contained any thing to which

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he should object: for not expecting it to come on, he had not examined it.

General *Burgoyne* said, it certainly would be better to adhere to the old, and he believed the invariable, rule of separate days.

The *Secretary at War* said, he had heard enough to induce him to postpone the extraordinary till another day. In the ordinary of the army he had the satisfaction of being able to state a considerable reduction; and although the defensive force of the kingdom was not a branch of the public expense, in which he thought it wise to be too saving, he was happy to find the situation of the country such as to admit of a considerable saving being made. In 1783 the peace establishment of the army could not be finally settled, the regiments on foreign service not being returned. In 1785, it was settled at seventy-three regiments, of 410 men, each divided into eight companies, with two companies *en second*. In 1788 and 1789 they were formed into regiments of ten companies each. It was now proposed, that each regiment should consist of 360 rank and file, divided into ten companies, without any companies *en second*. A farther reduction of three men per company was intended, making the whole reduction, in each regiment, 70 rank and file. The reason for the reduction of three men per company was, that in the course of time, the sum appropriated for the necessaries of the soldier had fallen so far short, that the three shillings a week intended for his actual subsistence, had been reduced, in some instances, to eighteen pence, and, in general he believed, to two shillings. Where 360 men was the establishment of each regiment, it was generally found that they were five or six per company deficient. It was therefore thought practicable to reduce the establishment three men per company, without any reduction of the effective force, and appropriate the saving, to make good the deficiency in the sum appropriated for the necessaries of the common soldier, so that there might be no deduction from the three shillings for his weekly food. In the plantations, the regiments must continue on their former establishment till midsummer, so that the saving for the present year would be less than for the year ensuing. For this year the total saving would be 45,317*l.*, which the additional allowance to the common soldier would reduce to 23,000*l.* In future, the total saving, including some reduction of the staff and other articles would be 84,770*l.*, which the additional allowances would reduce to 51,403*l.* the nett ultimate annual saving to the public. A regiment of cavalry had been raised for Jamaica, which was not included in the estimate, because, if continued, it would be paid for by the island. He concluded with moving his first resolution, viz. "That 285,064*l.* 12*s.* 9½*d.* be granted for the charge of 17,013 men for guards and garrisons, to the 24th of June, 1792."

General *Burgoyne* said, he had formerly been an advocate for the sort of establishment now proposed, viz. a small number of men, and a great number of officers in proportion. Experience however had induced him to change his opinion, The principle on which that sort of establishment was recommended, was, that in case of necessity the regiments might be filled up with men, and the officers being in constant service, a well-disciplined army could thus be soon formed. In no one instance within his recollection had this principle been adhered to. When an addition to the army was wanted, new corps were constantly raised, instead of filling up the old. He applauded the allowance to the common soldier, as equally humane and wise, and said he was sure that whoever planned it must be a military man. He wished the situation of the subaltern officers had been considered at the same time; they were still obliged to subsist on the same scanty pittance, although every article of subsistence was 30 per cent. dearer than when their pay was originally settled. He did not feel himself of consequence enough to make any motion on the subject, but he hoped those who had the means of giving effect to a motion, would turn their attention to it. There was one grievance which certainly ought to be remedied—their being kept so long out of their arrears. By some misconstruction of the bill, which marked the talents and the heart of its author (Mr. Burke), it was understood that the arrears could not be issued till the accounts of the regiment were sent in and settled. The accounts of regiments serving abroad could not be settled till after a considerable interval; and from this, and other circumstances, it actually happened that some regiments had seven or eight years arrears still due. Delays in sending in the accounts might, perhaps, be owing to colonels, agents, or paymasters, but cer-

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tainly not to subalterns, who were not public accountants, and it was hard that they should suffer for the neglect of others. Four years arrears were now due to his own regiment, and he did not know of any objection to the accounts.

The *Secretary at War* said, he was happy in the hon. general's approbation of any part of the plan he had opened. The raising of independent companies was no departure from the principle on which a number of regiments on a small establishment of men were kept up; for it did not answer the purpose of recruiting the army, without adding to the number of regiments. With respect to the delay in issuing the arrears, the hon. general was misinformed. The arrears of the subalterns were always issued on proper application, whether the accounts of the regiment were settled or not.

Colonel *Fitzpatrick* said, that no reason had been given for the addition of colonel Simcoe's corps.

The *Secretary at War* said, the alteration in the government of Canada made that corps necessary.

Mr. Secretary *Dundas* said, that the raising of the new corps for Upper Canada, met with his hearty approbation. He would explain the nature of that corps, and what were the advantages to be expected from it. It was certainly a military corps so far, as that those who composed it, and were sent out to that settlement, were to be under military discipline, when they left this country, and after they were there, but they were to act in another capacity. It must be well known, that there was a great part of that country which it would be necessary to clear, and those men were to be employed for that purpose; when it was effected, the intention was, that each man should have a tract of land alloted to him instead of receiving pay as a soldier, and by these means the country would not only be cleared, and rendered useful to the inhabitants, but those very inhabitants would, from having a necessary attachment to what their industry had made their property, be, in consequence of their military skill and habits, enabled to protect the province, and answer every purpose of a militia. The expense of a new corps was something above 11,000*l.*; the expense of this would not be so much by 3,000*l.*

Mr. *Fox* said, that the proposed reduction certainly had his approbation as to the principal of it, though he by no means approved of the manner in which it was to be done, nor could see any reason why it was not done long ago, or why it was not now carried to a much greater extent. When he had the honour to hold a place in his majesty's councils, he had proposed a reduction of the army, but not in the mode now adopted; he wished to reduce the number of regiments to 64, instead of which the establishment had been kept up to 70, besides new corps raised for the East-Indies; and now one for Canada, and another for the West-Indies, at the very time when we were talking about the reduction of the army. He never had agreed with those who argued, that keeping up skeleton regiments was a preferable mode to having fewer in number, and those fuller of men; and though officers might naturally approve, without any imputation of blame, of regiments consisting more of officers than men, yet no one argument had ever been stated, in his recollection, whereby it appeared that these skeleton regiments were completed, in cases of urgency, with greater facility than new corps could be raised. He had often conversed with officers of experience and known abilities on this subject, but he never could learn from any of them, that this mode of keeping up a skeleton establishment was a good one, either in theory or practice. He therefore wished, that while we were serving the finances, we would serve the constitution; and he never could agree to a system which was the least in point of saving, and the greatest in point of patronage. In short, the only beneficial, constitutional, and effectual mode of reducing the army, was, in his opinion, a reduction of corps, and not of men. He came next to notice what had been said by the right hon. secretary, respecting the nature of the Canada corps. The right hon. secretary wished that the committee would not consider them as a regiment, nor think them any addition to the army establishment, because, he said, they were not sent out for military purposes, but to clear the country, and afterwards to inhabit it. He trusted the committee would beware of such arguments. We had already seen similar instances, such as the corps of artificers for Gibraltar, and others that he could mention. But the right hon. gentleman had said they were to become a militia to defend this settlement, after they had cleared it, and to protect the property

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which their industry had entitled them to possess: and they were, he understood, to people the province too. As to a militia, what was the necessity for sending a corps of regimented officers, and 400 men, to form a militia in Canada? Or were we to consider them as 400 drill serjeants, sent out to instruct the inhabitants in the military art? In establishing a government for that province, it undoubtedly was the wish of this country to give them one most suitable to their circumstances and situation; in short, to establish a government for the people, and not, as this military system would indicate, to make a people for the government; and he would always contend that the government of any country which required the least armed force to support it was the best, and that which required the greatest army to support it, the worst. —He then noticed the proposed addition to the pay, by the allowance of bread, and expressed his satisfaction that a proposition was brought forward so beneficial to the private soldier. It had his most hearty concurrence, both as to the principle and the mode on which it was done; in short, it was a subject upon which, even in this divided country, there were not two opinions. He was sorry that he must here, however, take notice of this measure as being put in practice, without the least communication with parliament. Certainly, no minister could imagine, that any individual in that House would have opposed so just, so honourable, and so humane a plan. Why, then, this unconstitutional method had been followed, he was at a loss to tell, unless it was to introduce that abominable system, which he had been obliged to reprobate, in what he said in the debate on the king's speech, relative to the reduction of taxes, which had been proposed from the throne without even the knowledge of parliament; although no one had been hardy enough to deny the undoubted right of that House, to originate every measure that tended to call for, or appropriate, the money of their constituents. This was a system that he would ever strenuously oppose; because, if it obtained the sanction of parliament, there would be an end to the fair and free discussion of any subject in that House. In this way, a minister might make any proposition of his own, and have the purpose of it done, before parliament knew any thing at all of such a proposition.

The several Resolutions were then put and agreed to.

Debate in the Commons, on the State of the Public Income and Expenditure.] Feb. 17. The House having resolved itself into a committee of the whole House, the earl of Mornington in the chair, to consider of so much of his majesty's speech on the opening of the session as relates to the Public Income and Expenditure; and the said Speech together with the Finance Reports of the years 1786 and 1791, being referred to the said committee,

Mr. *Pitt* rose, and addressed the committee as follows:—The paragraph in his majesty's speech which has been referred to this committee, has already announced to us, and to the public, the most welcome intelligence which it was possible for us to receive; it has raised the pleasing expectation, that, after all the difficulties with which we have struggled, the period is at length arrived, when, by the flourishing state of our finances, we may be enabled to enter on a system which will afford immediate and substantial relief to a large proportion of our constituents, and at the same time give additional security and effect to that important, and, I trust, inviolable system which has been adopted for the reduction of the national debt.

In proceeding to detail the measures which I shall propose with a view to these important objects, I shall consider it as my first and most indispensable duty to state, as distinctly as possible, every circumstance which can be necessary for enabling the committee, not only to form a satisfactory judgment on the general result of our situation, but to examine the various calculations and reasonings on which that result is founded; and in attempting to execute so extensive a task, it is no small relief to my mind to reflect, that the repeated discussions which have taken place on questions of finance, have rendered them, in a great degree, familiar to the House and to the public; and that, by the measures which have been adopted for simplifying the nature and form of the public accounts, they are at length freed from that obscurity and intricacy in which they were formerly involved, and are rendered so clear and intelligible, that there is no man who may not, with a small degree of attention, become as fully master of the subject, as those whose official

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duty has led them to make it their peculiar study. The first point to which I wish to call the attention of the committee, is the amount of what may be considered as the probable future income of the country; and I shall begin by recapitulating the result of the accounts for different years, which have been already stated. The produce of the permanent taxes in the last year, from the 5th of Jan. 1791, to the 5th of Jan. 1792, appears to have been 14,132,000*l.*; which, with the addition of 2,558,000*l.* (being the average amount of the annual duties, on land and malt, as stated by the select committee last year), will make the total revenue of the year 16,690,000*l.* To this there must be added a sum, which, in the accounts on the table, has been included in the produce of the separate and temporary taxes imposed last year, for the purpose of defraying the expense of the Spanish armament, but which, in fact, makes part of the general and permanent revenue. It will be recollected that an addition was made last year to the duties on bills and receipts, and the addition was consolidated with the old duty. The whole of this consolidated duty has been carried to the account of the separate fund; but only the excess beyond the former produce can be considered as arising from the additional duty; and a sum equal to the former produce, being about 40,000*l.*, is to be added to the other sums which I have stated, making the total revenue for the last year 16,730,000*l.* The produce of the year preceding was 16,487,000*l.* after deducting the produce of a fifty-third week, which was included in the account of that year. The principal branches of the revenue being paid from the respective offices into the exchequer, by weekly payments, on a stated day, a fifty-third weekly payment in the course of a year, recurs nearly in the proportion of once in every period of six years. In judging, therefore, of the probable future amount of the revenue, the produce of the fifty-third week ought not to be included in any one particular year, and it is therefore here deducted; but, on the other hand, one-sixth part of its amount, being about 32,000*l.*, ought to be added to the average formed on any number of years. The average formed on the two last years, without this addition, would be 16,583,000*l.*, and with it 16,615,000*l.* The produce of the year ending on the 5th of January, 1790, was 15,991,000*l.*, and the average of the last three years (making the same allowance for the fifty-third week) amounts to 16,418,000*l.* The produce of the year ending the 5th of January, 1789, was 15,565,000*l.*, and the average formed on the last four years, amounts to 16,212,000*l.* It appears, therefore, that the actual produce of the year 1791, being 16,730,000*l.*, exceeds by above 500,000*l.* the average formed on the last four years;—that it exceeds the average formed on the last two years by above 100,000*l.*—the average on the last three years by nearly 300,000*l.*, and the actual produce of the last year but one, by nearly the same sum. If, then, I form my calculation of our future revenue, not on the separate amount of any one of these particular years, but upon the average amount of four years, during which there has been a constant increase, I am certainly not attempting to lead the committee into too favourable an opinion; but I am rather wishing to recommend that degree of caution, which the importance of the subject always deserves, and particularly at the present moment, when we are holding out hopes of relief, in which, above all things, we should be careful to avoid the chance of disappointment. I propose therefore to rest my computation upon this average produce of four years, being 16,212,000*l.*, and this sum, on a general view of the subject, we may safely assume, as not being likely to exceed the permanent annual revenue of the country.

I shall next desire the committee to compare the statement of the annual revenue, with that of the permanent annual expenditure; and I shall take as the basis of this comparison, the estimates contained in the report of the committee appointed in the last session to examine the public income and expenditure, only making such corrections as arise from certain additions on the one hand, and reductions on the other, which at that time were not foreseen. The whole permanent expenditure as stated by the committee, (including therein the interest of the national debt, the million annually issued for the reduction of debt, the civil list, and all the permanent charges on the consolidated fund, as well as all the establishments which are annually voted) is 15,969,000*l.*; to which there was added in the course of the last session (but subsequent to the report of the committee) the sum of 12,000*l.* charged on the conso-

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lidated fund, for the establishment of the duke of Clarence; and a further sum of about 12,000*l.* for defraying the expense of the separate government of the province of Upper Canada. Besides this, some further provisions will be necessary for the establishment of the duke of York, on the happy event of his marriage; and this may probably occasion an addition of 18,000*l.* The amount of these additional charges is 42,000*l.*

I have next to state those reductions which, as far as we can at present judge, may be expected to take place in our permanent establishments, although they cannot operate to their full extent in the present year. The first article of reductions is under the head of the naval service, in which I am inclined to hope that the number of seamen may be reduced to 16,000, being 2,000 less than last year. This will produce a saving of 104,000*l.*, and a further saving of about 10,000*l.* may probably be made in the estimate for the works to be carried on in the dock-yards.—In the actual establishment of the army, (after allowing for the proposed additions, which were explained when the army estimate was voted), there may probably be a diminution of about 50,000*l.*; and 36,000*l.* will be saved in consequence of the expiration of the treaty for the Hessian subsidy, which, under the present circumstances, his majesty has not thought it necessary to renew. If, therefore, allowance is made on the one hand for the addition of 42,000*l.*, and for the reductions in the army and navy, amounting together to about 200,000*l.*, the estimate of the permanent annual expenditure will stand at 15,811,000*l.*; the amount of the income of the last year, as I have before stated it, exceeds this sum by 919,000*l.*; the average of the amount of the two last years exceeds it by 804,000*l.*; the average of the three years by 607,000*l.*; and that of the four years on which I rest my calculations, by 401,000*l.* This, then, is the comparative view which I take of the permanent income and expenditure; and, according to the lowest of these calculations, there remains a disposable annual surplus of about 400,000*l.*, after defraying the expense of all the establishments, and applying the annual million to the reduction of the public debt.

Before I submit to the committee the manner in which I would propose to distribute this surplus in future, I wish to advert to the supply, and ways and means for the present year, because in these there will be found some additional articles both of expenditure and of receipt. The supply for each year, as gentlemen are aware, includes all the establishments and the charges for the various branches of the public service, together with all incidental charges which are defrayed by annual grants. It is independent of the interest and charges of the national debt, of the million annually issued to the commissioners of the civil list, and of the other charges on the consolidated fund. The amount of all these articles is 11,391,000*l.*, and being permanently fixed, forms no part of the supply voted in each year. For the navy we have voted this year 16,000 seamen, of which the charge is 832,000*l.*; for what is called the ordinary of the navy, 672,000*l.*; and for the extraordinary building and repairs (including the work in the dock-yards) 350,000*l.* We have also voted 131,000*l.* towards the reduction of the navy debt, which is sufficient for defraying the whole of the extra expenses of the naval department in the last year, (including those of the armament) as far as they have not been already defrayed by the surplus arising from former grants. These sums together make 1,985,000*l.*—The establishment of the army for the present year is 1,474,000*l.*; the extraordinaries 277,000*l.*; besides 63,000*l.*, advanced for the troops in India, which will ultimately be repaid by the company. The total voted for the army is 1,814,000*l.*—For the ordinary expenses of the ordnance there has been voted 221,000*l.*; for the extraordinaries nearly 157,000*l.*; and under the head of services performed in former years, but unprovided for, 44,000*l.*, making in the whole the sum of 422,000*l.* The estimates for the colonies and plantations, amount to about 31,000*l.* Various miscellaneous services, including the expense of African forts, the Mint, the roads in Scotland, the maintenance and transportation of convicts, the sum paid for printing Journals, and some other articles, (particularly a compensation to the owners of African vessels for losses sustained in consequence of the late regulations, and likewise to the settlers removed in the year 1786 from the Mosquito shore), amount in the whole to 114,000*l.*—There are two other articles which always form part of the annual statement of the supply, under the heads of deficiency of grants, and estimated de-

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ficiency of the land and malt, the nature of which is fully explained in the report of the committee of the last session, and for which allowance is made, though in a different shape, in the comparison of the permanent income and expenditure. The amount of the deficiency of grants is 436,000*l.*, which includes in it the sum of 123,000*l.* repaid to the bank, in consequence of the diminution of their floating balance, out of which 500,000*l.* had been advanced for the supply of last year; and the deficiency on the land and malt may be estimated at 350,000*l.* To these articles I shall propose to add two others; the first is 100,000*l.* out of the supplies of the present year, to be applied towards the discharge of the exchequer bills issued on account of the Spanish armament; by which means we shall be enabled to repeal immediately the additional duty on malt, the produce of which for the present year was appropriated to the separate fund created for that purpose. The second is an additional sum to be issued in this particular year, beyond the annual million, for the reduction of the national debt; and, on the comparison of the supply with the ways and means for the year, I think it will appear, that this sum may be safely stated at 400,000*l.* I have now enumerated all the articles of the supply, except the debentures to the American loyalists. These I omit, because they are nearly balanced by the profit on the lottery, which I do not mean to include in the statement of ways and means.

The first article of the estimated ways and means for the present year is the amount of the annual duties on land and malt, which may here be taken at 2,750,000*l.*, because exchequer bills will be issued on the credit of these duties to that amount; and the deficiency in the actual produce of the duties will, according to the usual practice, become a charge on the supply of future years, as the deficiency of the produce of former years is a charge on the supply of the present year. The next article consists of the sums which may be expected to be applied towards defraying the supply of the year out of the produce of the consolidated fund. This fund includes in it the whole amount of all the permanent taxes, and is applicable, in the first instance, to the payment at the end of each quarter of the permanent charges which I have before had occasion to enumerate. Any surplus which remains after payment of those charges is, from time to time, disposeable by parliament; and a sum equal to the expected amount of that surplus in the course of a year is always voted as an article of ways and means. In voting the ways and means, it has for some time been the practice to calculate from the 5th of April in the current year, to the 5th of April following; so that the grants for the supply of each particular year are not expected to be completed till the expiration of the first quarter in the subsequent year. In the present instance, however, there remained a sum of 155,000*l.* out of the actual surplus of the consolidated fund on the 5th of January, 1792, after making good the whole sum granted for the service of the year 1791, which had not been estimated to be completed till the quarter ending the 5th of April, 1792. The increase of the revenue having defrayed the whole charge, and furnished this actual surplus, as early as on the 5th of January last, and the 5th of April next, will yield a further surplus (after paying the interest of the debt, and other fixed charges) which instead of being applied, as was estimated, to the service of the year 1791, will be applicable to the supply of the present year, and to this is to be added the growing produce of the consolidated fund for the succeeding twelve months, from the 5th of April, 1792, to the 5th of April, 1793.

The expected amount of the disposeable surplus on the 5th of April next, I state at 486,000*l.*; and in forming this calculation, I suppose the whole produce of the permanent taxes, during the current quarter, to be equal to the average formed from the corresponding quarters in each of the last four years, which amounts to 2,970,000*l.* To this is to be added the expected produce, during this quarter, of the temporary taxes appropriated to defray the expenses of the Spanish armament, because, up to the 5th of April, those taxes are directed to be carried to the consolidated fund, and the proportion of the expense of the Spanish armament, which was charged on the supply of 1792, has been already defrayed out of the produce of the revenue up to the 5th of January. Supposing these taxes to yield in this quarter a sum equal to their average produce in the three quarters since they have taken effect, their amount will be nearly 200,000*l.*, and this, added to the sum before stated, will make

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a total of 3,170,000*l.* From this is to be deducted the amount of the interest of debt, and other fixed charges on the consolidated fund for this quarter, which is about 2,684,000*l.* leaving a remainder of 486,000*l.*

The further amount of the sum, which may be expected to arise from the surplus of the consolidated fund, between the 5th of April, 1792, and the 5th of April, 1793, I propose to estimate in like manner on the average of the four last years, making the necessary deduction on account of the taxes which I shall on this day propose to you to repeal.

The total amount of the revenue on that average, exclusive of land and malt, was 13,654,000*l.* The annual amount of the taxes proposed to be repealed is about 223,000*l.*: but as some arrears will be received from these taxes subsequent to their repeal, the sum to be deducted on this account in the present year, will not be to that amount, and may be estimated at about 163,000*l.* The total amount of the interest of debt and other fixed charges on the consolidated fund is (as I have already stated) 11,391,000*l.* There will, therefore, on these suppositions, remain a disposeable surplus of 2,100,000*l.*, to which is to be added a sum of 200,000*l.* which there is good ground to suppose will be re-paid to the public during this year from the balances of different accounts. These articles of ways and means added together amount to 5,691,000*l.* The articles of supply which I have enumerated, amount in the whole to 5,654,000*l.*, so that the ways and means exceed this supply by 37,000*l.*

I have already observed that, in the supply of the present year, there are some articles included, which exceed considerably the estimate of the permanent annual expenditure in the several branches of the public service; these consist principally of the additional sum of 400,000*l.* proposed to be issued to the commissioners; the sum of 100,000*l.* granted in lieu of the malt duty; the sum granted for the navy debt; that repaid to the bank; the advance on account of the troops in India, and some excess in the army estimate; in the unprovided estimate of the ordnance; in the miscellaneous services and the deficiency of grants; and they all appear peculiar to the present year, and not likely to recur in future, except as far as an annual addition may hereafter be made to the sums issued for the reduction of the national debt.

In speaking however of the future expenditure, I am aware that contingencies may occasionally arise, which cannot at present be foreseen; but, as far as I have now the means of judging, I am not aware of any specific article in which there is likely to be an excess beyond the permanent estimate, except in the amount of the small sums which may be still necessary for completing the works for the protection of the dock-yards at home, and the expense of carrying into execution the plan of fortifications in the West Indies, which will be a subject of separate consideration. And with a view to these articles, or to other contingencies that may arise, I have the satisfaction of thinking, that they will probably be fully balanced by extraordinary resources, beyond the calculated amount of the present income. On the result, then of these different statements, I think there is no reason to doubt, that we may, in the present year, apply an additional sum of 400,000*l.* to the reduction of the national debt, and repeal the temporary duty on malt, at the same time allowing for the repeal of permanent taxes to the amount of about 200,000*l.* and for the application of nearly an equal annual sum in future, as a permanent addition to the fund for the discharge of the national debt.

The next point for consideration, is, the propriety of the general principle which I have assumed as the foundation of my plan; that of distributing the surplus of our revenue, and applying it in equal proportions to the diminution of taxes, and the reduction of debt. I have thought this the wisest plan which we can adopt, because, by combining present relief with permanent credit and security, it seems most likely to prevent any temptation hereafter to break in, with a rude hand, on the system for the gradual reduction of our debt. At the same time, this addition to the sinking fund, with the aid of a further sum from a distant source, which I shall mention presently, and, independent of any further increase of revenue, will enable us to make a rapid progress in this important work, and in a very short space of time to reach a point, which perhaps not long since was thought too distant for calculation.

I shall beg the indulgence of the committee while I state this rather more at large, because it is connected with other

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considerations which may lead to important measures for enforcing and strengthening our system for the discharge of the national debt, In attempting to form any calculations of the proportion of debt which may be discharged at any particular time, there are some contingencies which can only be stated hypothetically. They may, however, now be reduced to a narrower point than they have been in any former period. One material circumstance which has necessarily been considered as uncertain, is the price of the funds; but, as far as relates to the 3 per cents, this uncertainty seems to be in a great measure removed, with a view to the question under consideration; for, supposing the present state of prosperity to continue, no calculation can reasonably be formed on the idea of paying off any large portion of this stock but at par. Under such circumstances, the principal question would be, whether the fund for the reduction of debt ought to be applied to the redemption or purchase of the 3 per cents, with a view to the reduction of interest on the 4 per cents, and on the 5 per cents? or, whether it should be applied to the redemption, first, of the 4 per cents, and afterwards (as soon as they become redeemable) of the 5 per cents? Without entering into minute disquisitions on this point, I will only state, that, according to the most accurate calculations which I have seen, the mode of applying the sinking fund to the purchase of the 3 per cents, and making use of the general improvement of credit in order to reduce the interest of the 4 per cents, and of the 5 per cents (when redeemable), and to carry the saving of interest as an addition to the sinking fund, will, on the whole, be quicker in its operation than the other mode, though not in any very considerable degree. I shall therefore suppose, in the first instance, that an addition of 400,000*l.* should be applied in the present year to the reduction of debt, and an annual addition, from the revenue for the next four years, of 200,000*l.* When the debentures to the American loyalists shall be discharged (which will be in about four years subsequent to the present) the profits arising from the lottery, which, as I have already stated, are now set against this article of expenditure, will be left free, and will form an addition to the annual surplus. If the addition shall be distributed in the same manner as is now proposed, with respect to the present surplus, and if the tickets should continue to bear their present price, a further annual sum of 150,000*l.* (after allowing for the repeal of taxes to the same amount) will be applicable to the reduction of debt. Previous to this period, the 4 per cents may naturally be supposed to have been reduced in the first instance to $3\frac{1}{2}$, and ultimately to 3 per cent.; and the saving by this reduction of interest will amount at first to about 160,000*l.*, and when completed, to about 320,000*l.* By the operation of the present sinking fund, and of these additions to the redemption of the 3 per cents at par, it may be expected that 25 millions of 3 per cents will have been paid off in the year 1800, after which the 5 per cents become redeemable; and supposing the 3 per cents to continue at par, a further saving may then in a short time be made, by converting the 5 per cents to 3 per cents, which will amount in the whole to above 360,000*l.* and which I likewise suppose to be carried to the aid of the present sinking fund. The material question which on these suppositions it is natural to ask, is, when will the sinking fund arise to the amount of 4 millions per annum, which is the limit after which, according to the act of 1786, it is no longer to accumulate, but the interest of the capital which it thenceforth may redeem, is to be left open for the disposition of parliament? It will amount to that sum, on the suppositions which I have stated, in 1808, a period of about fifteen years from the present time.

I am not, indeed, presumptuous enough to suppose, that when I name fifteen years, I am not naming a period in which events may arise, which human foresight cannot reach, and which may baffle all our conjectures. We must not count with certainty on a continuance of our present prosperity during such an interval; but unquestionably there never was a time in the history of this country, when, from the situation of Europe, we might more reasonably expect fifteen years of peace, than we may at the present moment. But in looking forward to this very period, there arises one of the considerations to which I have referred, and which may lead us still to amend and enforce our system for the reduction of debt.

When the sum of four millions was originally fixed as the limit for the sinking fund, it was not in contemplation to issue more annually from the surplus revenue

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than one million; consequently the fund would not rise to four millions till a proportion of debt was paid off, the interest of which, together with the annuities which might fall in in the interval, should amount to three millions. But as, on the present supposition, additional sums beyond the original million are to be annually issued from the revenue, and applied to the aid of the sinking fund, the consequence would be that, if that fund (with these additions carried to it) were still to be limited to four millions, it would reach that amount, and cease to accumulate, before as great a portion of the debt is reduced as was originally in contemplation. This effect would be more considerable, if, instead of an annual addition of 350,000*l.* in the whole, which is the amount on which I have calculated, the further increase of the revenue should admit, (as it probably may) of the application of a larger surplus; and in either of these cases, although the ultimate amount of the sinking fund would be equal to what was originally intended, and it would reach that point sooner, yet it would bear a less proportion to the capital of the debt, which it would afterwards have to discharge, than it would have done according to the original plan. In order to avoid this consequence, which would, as far as it went, be a relaxation in our system, I should propose, that whatever may be the additional annual sums applied to the reduction of debt, the fund should not cease to accumulate till the interest of the capital discharged, and the amount of expired annuities should, together with the annual million only, and exclusive of any additional sums amount to four millions.

But I confess, that, in the present situation of the country, I am inclined to think that we ought not to stop here. What we did in 1786 was, perhaps, as much as could be attempted under the circumstances of that time. At present we ought not to confine our views to the operation of the sinking fund, compared with the debt now existing. If our system stops there, the country will remain exposed to the possibility of being again involved in those embarrassments, which we have, in our own time, severely experienced, and which, apparently, brought us almost to the verge of bankruptcy and ruin. We ought therefore to look forward, in order to provide a permanent remedy against the danger of fresh accumulation of debt, in consequence of future contingencies. And this, as I shall explain more particularly on some future occasion, may, I am persuaded, be effected without the danger of any inconvenience or embarrassment, which can counterbalance the magnitude of the object. The measure which I have in view is, to enact, that whenever any loan should take place in future, unless raised by annuities which would terminate in a moderate number of years, there should of course be issued out of the consolidated fund, to the commissioners for the reduction of the national debt, an additional annual sum, sufficient to discharge the capital of such loan, in the same period as the sinking fund, after reaching its largest amount, will discharge what would then remain of the present debt. The committee will recollect, that the idea which I am now stating is not new to my mind, though I have never before proposed it as a permanent regulation. Two years from this time, when I had the mortification of thinking that the country might be engaged in an expensive war, in consequence of our discussions with the court of Spain, I gave notice that I should propose to follow, very nearly, this system, with respect to any loans which might then be necessary. I will not, however, enlarge further on this subject at present. I have already stated enough to show that the system which I wish to propose is calculated to provide effectually for the discharge of the public debt, at the same time that it diminishes the burthens of the people; and that, in consulting our own immediate ease, we cannot be accused of sacrificing the permanent interests of posterity.

Supposing therefore, that the distribution which I have suggested should appear to the House fit to be adopted, and that taxes to the amount of 200,000*l.* per annum should now be taken off, I will beg leave next, for the purpose of bringing the whole subject under consideration, to state the particular taxes, which if nothing preferable is suggested by others, I should propose to repeal. And, in making this selection, there are two objects which I wish principally to keep in view. The first, to which it is very material to attend, is, that the actual relief felt by the public should be proportioned to the amount of revenue which is relinquished. Under these descriptions those taxes seem most clearly to be included, which are raised

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by the mode of assessment, because as they are paid directly out of the pocket of the individual, and do not pass through circuitous channels like taxes upon the articles of consumption, where the tax is often blended with the price of the commodity, there can be little doubt that the relief intended to be given will in these instances be effectual to its fullest extent. The other object which I naturally have in view, is, that the relief intended should apply peculiarly to that class, to whom, on every account, it ought first to be extended,—I mean the most necessitous, and the most industrious part of the community.

Combining these objects, the first article to which I have directed my attention is, the temporary duty on malt, imposed in the last session. The three next taxes which I shall state, are permanent taxes, which fall under the description of being raised by assessment, and which have also the further advantage of extending relief widely, and where we must most wish it to be extended.—The first is the tax upon female servants, which is certainly paid by the poorer class of house-keepers, and which is charged upon about 90,000 different families; the amount is 31,000*l.* The next is, the tax upon carts and waggons, which applies to the whole of the yeomanry of the country, to all those who are occupied in agriculture, who pay in this shape a sum not indeed very considerable, but which perhaps is felt, from the inconvenience and trouble which it occasions, more than from the burthen itself. About 90,000 persons are affected by this tax also, of which the amount is nearly 30,000*l.* The third tax applies to the poorest of all the orders of the community,—I mean the tax on houses having less than seven windows, which are exempted from the payment of any other tax, but that of three shillings. The amount of the sum is small, but to those who are the objects of it, its repeal will be a substantial relief and comfort, and it will at least be a pledge and earnest of the attention of parliament to their interests. It extends, I believe, to between three and four hundred thousand houses, and its amount is about 56,000*l.* The next and last which I have to mention is the last additional tax of a halfpenny per pound on the article of candles, which presses more, perhaps, than any other tax on consumption, upon the class of whom I have been speaking; and if this tax is repealed from a given day, and the duty upon the stock in hand is allowed to all the manufacturers and dealers in that article, I believe there can be no question that the reduction of the price will be in proportion to the duty repealed: its amount is about 106,000*l.*; and the total of all these taxes is 223,000*l.*

I have now explained the several measures which I shall this day propose to the committee; but I should think that I left the subject imperfectly discussed, if I did not proceed to lay before you such considerations as may enable you to judge how far there is a reasonable prospect that the fortunate situation which I have described may be permament. And in order to do this, I wish again to call your attention to the progressive increase of the revenue, and to state within what periods it has taken place. If we compare the revenue of last year with that of the year 1786, we shall find an excess in the last year of 2,300,000*l.* If we go back to the year 1783, which is the first year of peace, we shall find the increase since that period, including the produce of the additional permanent taxes which have been imposed in the interval, to be little less than four millions. We shall, I believe, also find, that, with the exception of the year 1786, in which the suspense of trade occasioned by the negociation for the commercial treaty with France, naturally affected the revenue, there is hardly any one year in which the increase has not been continual. In examining the branches of revenue, we shall find that rather more than one million has arisen from the imposition of new taxes; about one million more in those articles in which particular and separate regulations have been made for the prevention of fraud; and that the remaining sum of two millions appears to be diffused over the articles of general consumption, and must therefore be attributed to the best of all causes—a general increase in the wealth and prosperity of the country. If we look more minutely into the particular articles on which the revenue arises, we shall still find no ground to imagine, that any considerable part of it is temporary or accidental, but shall have additional reason to ascribe it to the cause which I have just now stated. In the revenue of the customs there is no material article where an increase might be supposed to proceed from the accident of seasons, but that of sugar, and it appears

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that, upon the average of the four years on which I have formed my calculation, that article has not produced beyond its usual amount. Many of the articles under the head of customs, in which the augmentation is most apparent, consist of raw materials, the increasing importation of which is, at once, a symptom and a cause of the increasing wealth of the country. This observation will apply, in some degree, even to the raw material of a manufacture which has generally been supposed to be on the decline,—I mean that of silk. In the article of wool, the increase has been gradual and considerable. The quantity of bar-iron imported from abroad is also increased, though we all know how considerably our own iron works have been extended during the period to which I have referred. There is hardly any considerable article in which there is any decrease, except that of hemp in the last year, which is probably accidental, and that of linen, the importation of which from abroad may be diminished by accidental causes, or perhaps in consequence of the rapid increase of the manufacture of that article at home.

On looking at the articles composing the revenues of excise, the same observations will arise in a manner still more striking. There is, indeed, one branch of that revenue, the increase of which may in part be attributed to the accident of seasons—I mean that which arises from the different articles of which malt is an ingredient; but I am inclined to believe that this increase cannot be wholly ascribed to that cause, because, during all the four years, the amount of the duty upon beer and ale has uniformly been progressive. In the great articles of consumption which I will shortly enumerate, without dwelling on particulars in home-made and foreign spirits, wine, soap, tobacco, the increase has been considerable and uniform. In the articles of bricks, and tiles, starch, paper, and printed goods, there has also on the whole been a considerable increase, although there has been some fluctuation in different years. Almost every branch of revenue would furnish instances of a similar nature. The revenue raised by stamps has increased in the produce of the old duties, while at the same time new duties have been added to a large amount, and the augmentation is on this head, on the whole near 400,000*l.* a sum which is raised in such a manner as to be attended with little inconvenience to those who pay it. The amount of the duty upon salt during the same period has been progressive. The revenue of the post-office is another article, comparatively small, but which furnishes a strong indication of the internal state of the country. No additional duty has been imposed since the year 1784. In 1785, it yielded 238,000*l.*, and in the last year 338,000*l.* I mention all these circumstances as tending to throw additional light on the subject, and serving to illustrate and confirm the general conclusion to which they all uniformly tend.

If from this examination of the different branches of the revenue, we proceed to a more direct inquiry into the sources of our prosperity, we shall trace them in a corresponding increase of manufacture and commerce. The accounts formed from the documents of the custom-house are not indeed to be relied upon as showing accurately the value of our imports and exports in any one year, but they furnish some standard of comparison between different periods, and in that view I will state them to the committee. In the year 1782, the last year of the war, the imports, according to the valuation at the custom-house, amounted to 9,714,000*l.*; they have gradually increased in each successive year, and amounted, in the year 1790, to 19,130,000*l.* The export of British manufactures forms a still more important and decisive criterion of commercial prosperity. The amount in 1782 was stated at 9,919,000*l.*; in the following year, it was 10,409,000*l*; in the year 1790, it had risen to 14,921,000*l.*; and in the last year (for which the account is just completed as far as relates to British manufactures), it was 16,420,000*l.* If we include in the account the foreign articles re-exported, the total of the export in 1782 was 12,239,000*l.*; after the peace it rose, in 1783, to 14,741,000*l.*; and in the year 1790, it was 20,120,000*l.* These documents, as far as they go (and they are necessarily imperfect), serve only to give a view of the foreign trade of the country. It is more than probable, that our internal trade which contributes still more to our wealth, has been increasing in at least an equal proportion. I have not the means of stating with accuracy a comparative view of our manufactures during the same period; but their rapid progress has been the subject of general observation, and the local knowledge of gentlemen from different parts of the country, before

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whom I am speaking, must render any detail on this point unnecessary.

Having gone thus far, having stated the increase of revenue, and shown that it has been accompanied by a proportionate increase of the national wealth, commerce, and manufactures, I feel that it is natural to ask, what have been the peculiar circumstances to which these effects are to be ascribed? The first and most obvious answer which every man's mind will suggest to this question, is, that it arises from the natural industry and energy of the country: but what is it which has enabled that industry and energy to act with such peculiar vigour, and so far beyond the example of former periods?—The improvement which has been made in the mode of carrying on almost every branch of manufacture, and the degree to which labour has been abridged, by the invention and application of machinery, have undoubtedly had a considerable share in producing such important effects. We have besides seen, during these periods, more than at any former time, the effect of one circumstance which has principally tended to raise this country to its mercantile pre-eminence—I mean that peculiar degree of credit, which, by a two-fold operation, at once gives additional facility and extent to the transactions of our merchants at home, and enables them to obtain a proportional superiority in markets abroad. This advantage has been most conspicuous during the latter part of the period to which I have referred; and it is constantly increasing, in proportion to the prosperity which it contributes to create. In addition to all this, the exploring and enterprising spirit of our merchants has been seen in the extension of our navigation and our fisheries, and the acquisition of new markets in different parts of the world; and undoubtedly those efforts have been not a little assisted by the additional intercourse with France, in consequence of the commercial treaty; an intercourse which, though probably checked and abated by the distractions now prevailing in that kingdom, has furnished a great additional incitement to industry and exertion.

But there is still another cause, even more satisfactory than these, because it is of a still more extensive and permanent nature; that constant accumulation of capital, that continual tendency to increase, the operation of which is universally seen in a greater or less proportion, whenever it is not obstructed by some public calamity, or by some mistaken and mischievous policy but which must be conspicuous and rapid indeed in any country which has once arrived at an advanced state of commercial prosperity. Simple and obvious as this principle is, and felt and observed as it must have been in a greater or less degree, even from the earliest periods, I doubt whether it has ever been fully developed and sufficiently explained, but in the writings of an author of our own times, now unfortunately no more (I mean the author of a celebrated treatise on the Wealth of Nations), whose extensive knowledge of detail, and depth of philosophical research, will, I believe, furnish the best solution to every question connected with the history of commerce, or with the systems of political economy. This accumulation of capital arises from the continual application of a part at least, of the profit obtained in each year, to increase the total amount of capital to be employed in a similar manner, and with continued profit in the year following. The great mass of the property of the nation is thus constantly increasing at compound interest; the progress of which, in any considerable period, is what at first view would appear incredible. Great as have been the effects of this cause already, they must be greater in future: for its powers are augmented in proportion as they are exerted. It acts with a velocity continually accelerated, with a force continually increased,

"Mobilitate viget, viresque acquirit eundo."

It may indeed, as we have ourselves experienced, be checked or retarded by particular circumstances—it may for a time be interrupted or even overpowered; but, where there is a fund of productive labour and active industry, it can never be totally extinguished. In the season of the severest calamity and distress, its operations will still counteract and diminish their effects;—in the first returning interval of prosperity, it will be active to repair them. If we look to a period like the present, of continued tranquillity, the difficulty will be to imagine limits to its operation. None can be found, while there exists at home any one object of skill or industry short of its utmost possible perfection;—one spot of ground in the country capable of higher cultivation and improvement; or while there remains abroad any new market that can be explored, or any existing mar-

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ket that can be extended. From the intercourse of commerce, it will in some measure participate in the growth of other nations, in all the possible varieties of their situations. The rude wants of countries emerging from barbarism, and the artificial and increasing demands of luxury and refinement, will equally open new sources of treasure, and new fields of exertion, in every state of society, and in the remotest quarters of the globe. It is this principle which, I believe, according to the uniform result of history and experience, maintains on the whole, in spite of the vicissitudes of fortune, and the disasters of empires, a continued course of successive improvement in the general order of the world.

Such are the circumstances which appear to me to have contributed most immediately to our present prosperity. But these again are connected with others yet more important. They are obviously and necessarily connected with the duration of peace, the continuance of which, on a secure and permanent footing, must ever be the first object of the foreign policy of this country. They are connected still more with its internal tranquillity and with the natural effects of a free but well regulated government. What is it which has produced, in the last hundred years, so rapid an advance, beyond what can be traced in any other period of our history? What but that, during that time, under the mild and just government of the illustrious princes of the family now on the throne, a general calm has prevailed through the country, beyond what was ever before experienced: and we have also enjoyed, in greater purity and perfection, the benefit of those original principles of our constitution, which were ascertained and established by the memorable events that closed the century preceding? This is the great and governing cause, the operation of which has given scope to all the other circumstances which I have enumerated. It is this union of liberty with law, which, by raising a barrier equally firm against the encroachments of power, and the violence of popular commotion, affords to property its just security, produces the exertion of genius and labour, the extent and solidity of credit, the circulation and increase of capital; which forms and upholds the national character, and sets in motion all the springs which actuate the great mass of the community through all its various descriptions. The laborious industry of those useful and extensive classes (who will, I trust, be in a peculiar degree this day the object of the consideration of the House) the peasantry and yeomanry of the country; the skill and ingenuity of the artificer; the experiments and improvements of the wealthy proprietor of land; the bold speculations and successful adventures of the opulent merchant and enterprising manufacturer; these are all to be traced to the same source, and all derive from hence both their encouragement and their reward. On this point therefore let us principally fix our attention, let us preserve this first and most essential object, and every other is in our power! Let us remember, that the love of the constitution, though it acts as a sort of natural instinct in the hearts of Englishmen, is strengthened by reason and reflection, and every day confirmed by experience; that it is a constitution which we do not merely admire from traditional reverence, which we do not flatter from prejudice or habit, but which we cherish and value, because we know that it practically secures the tranquillity and welfare both of individuals and of the public, and provides, beyond any other frame of government which has ever existed, for the real and useful ends which form at once the only true foundation and only rational object of all political societies.

I have now nearly closed all the considerations which I think it necessary to offer to the committee. I have endeavoured to give a distinct view of the surplus arising on the comparison of the permanent income (computed on the average which I have stated) with what may be expected to be the permanent expenditure in time of peace, and I have also stated the comparison of the supply, and of the ways and means of this particular year. I have pointed out the leading and principal articles of revenue in which the augmentation has taken place, and the corresponding increase in the trade and manufactures of the country; and finally, I have attempted to trace these effects to their causes, and to explain the principles which appear to account for the striking and favourable change in our general situation. From the whole result, I trust I am entitled to conclude, that the scene which we are now contemplating is not the transient effect of accident, not the short-lived prosperity of a day, but the genuine and natural re-

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sult of regular and permanent causes. The season of our severe trial is at an end, and we are at length relieved, not only from the dejection and gloom which, a few years since, hung over the country, but from the doubt and uncertainty which, even for a considerable time after our prospect had begun to brighten, still mingled with the hopes and expectations of the public. We may yet, indeed, be subject to those fluctuations which often happen in the affairs of a great nation, and which it is impossible to calculate or foresee; but as far as there can be any reliance on human speculations, we have the best ground from the experience of the past, to look with satisfaction to the present, and with confidence to the future. "Nunc demum redit animus, cum non spem modo ac votum securitas publica, sed ipsius voti fiduciam et robur assumpserit." This is a state not of hope only, but of attainment; not barely the encouraging prospect of future advantage, but the solid and immediate benefit of present and actual possession.

On this situation and this prospect, fortunate beyond our most sanguine expectations, let me congratulate you, and the House, and my country! And before I conclude, let me express my earnest wish, my anxious and fervent prayer, that now in this period of our success, for the sake of the present age and of posterity, there may be no intermission in that vigilant attention of parliament to every object connected with the revenue, the resources, and the credit of the state, which has carried us through all our difficulties, and led to this rapid and wonderful improvement;—that, still keeping pace with the exertions of the legislature, the genius and spirit, the loyalty and public virtue of a great and free people, may long deserve, and (under the favour of Providence) may ensure the continuance of this unexampled prosperity; and that Great Britain may thus remain for ages in the possession of these distinguished advantages under the protection and safeguard of that constitution, to which, as we have been truly told from the throne, they are principally to be ascribed, and which is indeed the great source, and the best security of all that can be dear and valuable to a nation.—Mr. Pitt concluded with moving his first resolution, viz. "That it is the opinion of this committee, that, from and after the 5th of April 1792, the duties charged by an act, made in the 31st of his present majesty, intituled, 'An Act for granting to his majesty additional duties upon malt,' do cease and determine."

Mr. *Sheridan* said, the splendor of the right hon. gentleman's speech had made such an impression on the committee, they had been so led away by figures of rhetoric from figures of arithmetic, that he should find it difficult to recall them to the true object of the discussion. He fancied, however, that this dazzling beauty would not be found so captivating to the people, after the rapturous accounts of prosperity which they had heard: it would be a disappointment to them that all the accounts of surplus sunk so infinitely small. Who that had heard the report of a surplus of 1,200,000*l.*, and of near 900,000*l.* being actually in hand, would have believed that it would turn out to be no more than 58,000*l.*? He was generally incredulous on these anticipating reports; but he confessed, when he heard of the king's coming down, announcing a surplus, and the minister immediately after holding out taxes to be repealed, he thought there must be some stupendous increase of revenue; and his confidence would have been greater, if he had not unfortunately heard all the minister's former pledges, and particularly that solemn, religious pledge, that no interruption should be made to the application of our surplusses until they amounted to four millions a year. Mr. Sheridan then examined the statements of Mr. Pitt, and drew from his review this conclusion, that the increase of our prosperity had not brought with it a proportionate increase of our revenue. The increase of the latter was to be ascribed to the new burthens laid on the people, or to the regulations of the old taxes, which, in fact, were so many additions to them. Taking the reports of the two committees as his guides, he took the amount of the new and regulated taxes from the general total, and showed that the actual increase of the permanent revenue since the year 1786, was 130,000*l.* If he were asked fairly, whether the amount of our taxes was such as to warrant the legislature to dispense with a part of them, he would frankly answer, no. But if he were desired to revise the whole system of our taxation, to see if the people might not be materially eased from the most grievous of their burthens, and the revenue be even improved thereby, he would give his chearful consent. The plan pursued by the

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right hon. gentleman was calculated to embarrass the House. It was held out to the nation, that the crown, from a motive of endearment, had proposed the ease of the people, and the minister had even named the taxes which were to be abolished. If they should, from a sense of duty, declare that this could not be done without hazard to the national credit, the House was about to be made odious to its constituents, and the crown an object of popular confidence. Such was the predicament in which they stood. We were now, in 1792, to redeem less stock than we did in 1786; for it was a clear proposition, that by the increased price of the funds, and by thus diverting so large a part of the surplus from its devoted and sacred end, we were to buy up less annuity now than heretofore. What was the reason of all this? If the right hon. gentleman was called upon to say why, with this prosperous revenue, we were to redeem less debt, he would answer, because we could not afford it. Why the right hon. gentleman did not think it right to extinguish the unfunded debt, a great part of which bore interest, and hung about our necks with great inconvenience, he could not take upon him to say. It would be a great benefit to the revenue, but it would not serve the purposes of momentary fame, by taking off the odious taxes which had been laid on the year before. Though the ungracious task had been imposed on them to lay these taxes, their constituents were not to look to them for their relief. If a severe sense of duty should urge any gentleman to oppose this insidious way of attacking the privileges of the Commons, he well knew how easily a cry might be raised against him. He remembered a couplet made upon his right hon. friend by one of his constituents, which never failed to produce a torrent of applause; not from the elegance of the poetry, so much as from the sturdy, *ad captandum* praise which it gave him. His right hon. friend, who, with all his merits, had certainly no pretension to the praise, would pardon him for repeating it—

"Whenever a tax in the House was projected,
"Great Fox he rose up, and always objected."

Now this, which was certainly untrue, might be turned very neatly to the detriment of those who might think it their duty to inquire whether we really had a surplus before we gave up our income; and that the grace should come constitutionally from that branch of the legislature, which had the power of the purse, and which had been called upon so unmercifully by the minister to draw the strings. Why had he not waited, and given the House the grace of originating the measure? The truth was, it had been craftily considered as the best answer to all the imputations against him for the Russian and Spanish wars; so at least other men, who had less candour, and less respect for him than he possessed, would insinuate, and say. They would draw strange conclusions from the circumstance, and the nation might be brought to think that blunders were more advantageous to them than wisdom; that when the minister was convicted of error, he threw forth to them relief: a session without a blunder, would be a session of calamity; but an armament would be desirable. "I have involved you in a quarrel with Spain—here, there's a tax upon malt for you. I have made the English name ridiculous all over the world by bullying Russia—here, take back the female servants, I have no use for them. I have involved you in a war with Tippoo Saib—take your candles a halfpenny cheaper in the pound." Thus they were to be taught to love misfortune: to be enamoured of misconduct; and if an administration should succeed him where wisdom and prudence produced their usual effects of security and quiet, the right hon. gentleman would be at the head of the most clamorous opposition that ever this country saw. They would call out for a change. "Give us back that bustling and dangerous administration, that went on arming and disarming, taxing and untaxing; who committed so many blunders that they were for ever making atonement; who broke our heads that they might give us a plaster. We abhor this uniform system of order and quiet." The sentiment that this conduct was calculated to excite was alarming; it was appealing from the judicious to the giddy; and, seriously speaking, every judicious man would know and feel, that if there had been no Russian armament, there would have been no repeal.

Mr. *Drake, jun.* rose to join the chorus of his happy and grateful country in their joy, at the consideration of the prosperous state into which their finances were brought by the integrity, wisdom, and talents of the minister. The right hon. gentleman, in his speech had echoed the paternal voice of his sovereign, who had expressed a pleasing hope, that they

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should be enabled to take off some of the burthens of his subjects—a hope that did honour to his majesty's feelings, and proved him to be at once the father and patron of his people. Mr. Drake commended what his majesty had said respecting industry and order, and declared, it was the duty of the people to be obedient to the constitution, submissive to the laws, and loyal to the king. This was what was said by the great Blackstone, who had pronounced the constitution under which we lived, essentially good, and had said that it ought to be carefully preserved. It particularly became them, as trustees of the public purse to take the earliest opportunity of alleviating the taxes; and those which were intended to be taken off, appeared to him to be most judiciously selected. Mr. Drake called this great, this mighty day, the jubilee of finance. He hoped the Gazette of this evening would tell all the civilized world, nay, he had almost said, all the savages, the prosperous state of this country; and since classical quotations had been used this evening, he hoped he should be pardoned for concluding with one—"O fortunatos nimium, sua si bona norint!"

Mr. *Fox*, after a short allusion to the triumph of this jubilee of finance, and stating that the business of the day was of the utmost importance, took occasion to pay a compliment to the eloquence of Mr. Pitt, and to the philosophical principles of government on which he had argued. He said the right hon. gentleman had enumerated the causes of national prosperity with truth and splendour. He subscribed to his statement cordially, and if he did not himself go over the same ground, it was because he had nothing to add to what had been already said. But he begged to be understood, that these reasons were all applicable to the prosperity of the country, not merely to the prosperity of the revenue. The right hon. gentleman had fairly said, that above all, they were to be ascribed to the happy form of our constitution. If this was true—and that it was every gentleman would concur—it was their duty to maintain the constitution by that vigilance and jealousy which were the chief duties of that House, and to take care that no attempts should be made, under any colour or pretext, to trench on any of its vital parts; and so far from thinking with the hon. gentleman who had spoken last, that we could not value our present situation too highly, he thought we were in danger from being lulled into an excess of security. He was drawn to this observation, naturally from the business of this day; for he was still of the opinion that he had delivered on the first day of the session, namely, that there was in the manner of introducing this proposition such a violation of a most valuable principle, and such an insult on the House of Commons, as demanded their most serious attention. It had been too often his duty to allude to the variety of abuses which had been suffered during the administration of the right hon. gentleman, and which, indeed, had marked his ministry more, perhaps, than any that had ever occurred in this country. There seemed to be a regular and systematic intention in his majesty's ministers to annihilate the functions of that House, and to arrogate to government every measure that properly belonged to them. The nation was made to look lightly on the popular branch of the legislature, and in every instance to turn their eyes to government, as to the fountain of every good. in this view he had stated the recommendation in his majesty's speech from the throne, in regard to the repeal of taxes, as an attempt to take from that House the power of deliberation, the freedom of debate. Instead of coming unfettered to the consideration of the present state of the public income and expenditure, they were put into the unseemly state of either complying implicitly with his majesty's recommendation, or of being considered by their constituents as the opposers of the boon which he had held out to them. I complain (said Mr. Fox) for the constitution, violated by this proceeding—I complain for the popular branch of the legislature insulted—I complain for the people, really and effectually cheated by this insidious intervention, calculated to divert them from their true guardian and servant, the House of Commons, and to delude them, by fixing their hopes on the government. I am not afraid of unpopularity in the honest discharge of my duty. I am not afraid of encountering all the hazards of artful misrepresentation; but I complain that I am put into a situation where I cannot exercise my judgment, where I cannot pronounce my opinion that this is not the moment when parliament can safely, prudently, or honestly surrender any part of the existing revenue, and

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where I cannot oppose the measure without the fear of bringing on the country a greater and more alarming evil, than would be produced by complying against my judgment. Not only had his majesty been unconstitutionally advised to come down and recommend this measure, contrary to the first principles of parliament, but to add to the impropriety, the minister, coming immediately from the closet, had pointed out as a second part of the same speech, the very taxes which ought to be repealed; thus taking it out of the hands of parliament to revise the whole, and see which of them, if any, could be repealed, which were most grievous to the public, and thereby conciliating themselves with their constituents by proving that they were attentive to their interests. Instead of coming forward handsomely and fairly, as he ought to have done, and stating the income on the one side, and the expenditure on the other, and calling on the House to take the condition of the public revenue into their consideration, and see if they could not spare something to the people, the right hon. gentleman came down with a declared surplus, for which he had no experience, in one hand, and a number of odious and unpopular taxes, mostly of his own imposing, in the other, and thereby made it impossible for the House to hesitate in their compliance. Can I (exclaimed Mr. Fox) object to the repeal of the malt tax—I, who opposed it so pointedly, when imposed by the right hon. gentleman last year? Can I object to the repeal of the tax on female servants, a tax which I always thought odious and abominable? I cannot—the House cannot, and with our eyes open to the impropriety of the measure of giving up revenue without an experience that we can afford it, we are brought to a situation in which we cannot deliberate on the measure.—The question, to have been stated fairly, should have been as follows: there is a surplus of 400,000*l*. Will you apply it all towards the extinction of the national debt, or towards the immediate relief of the burthens of the people, or partly to the one and partly to the other? Stated in this manner, the House would have come fairly to the exercise of their deliberative powers; and he had no hesitation in saying, that if the question had been so stated to him, he would have answered, in the present situation of things, acting on a consistent principle, and desirous of having the benefit of experience, that the whole ought to be applied towards the diminution of the national debt. In saying this, he should at least have the credit of a sincere opinion; for evidently he courted no party on the occasion. He could not court the king, for the king had in his speech recommended the measure. It was not a declaration by which he could expect to court the people, for evidently the repeal of a temporary burthen, however it might operate in throwing disorder into the finances, and finally imposing more grievous burthens, would yet be popular, and an objection to it the contrary. But if he had to answer that question simply, he would do it, and maintain it on arguments provided for him by the right hon. gentleman. He would show, even from what the right hon. gentleman had said that night, that when self was out of the question, he was still of opinion that the measure now proposed was erroneous and detrimental. For the right hon. gentleman said, that in the year 1808, when by the operation of the plan for diminishing the debt, there would be a sum of four millions applicable to this object, he would take care that no minister of that day should have it in his power to do, what he was doing in this, with only 400,000*l*., instead of four millions. Here, when he was impartial, and when he was not acting for himself and his faction, he was such an enemy to the national debt, that no room should be left for popularity to any minister, by doing so fatal a thing to the nation, as that which he was now doing himself. Such was the difference between self and principle, such was the difference between the clear, manly discharge of duty, and the subterfuges of a dextrous pursuit of popularity! He had often heard it said, that it was the character of men who were indulgent to themselves to be severe to others. Never did he see this trait of the human mind more glaringly displayed than in this measure. For, after having laid down a principle to be most obstinately persevered in, viz. that the surplus of the revenue should be with a sacred and inviolable hand applied to the discharge of the debt, with all its compound interest, until it should amount to an applicable surplus of four millions, he now departed from this engagement for the sake of a little momentary popularity to himself, and held out to the nation a boon of 200,000*l*. "But," said the right hon. gentleman, "I know I do

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wrong; I know it is a dereliction of my principles, but permit me to do this little mischief, and I will compensate for the laxity of my own system, by tying down my successors." Fifteen years hence, a period to which it was impossible to carry forward the idea of parties and partialities, the right hon. gentleman would take care that even when there were four millions the system should not be thus violated!—Mr. Fox said, he thought it would have been at least prudent to have waited until we had had the experience of a single year, a single month, or a single day, in which the income of the country had exceeded the expenditure, to justify us in saying that there was an applicable surplus at all. Nothing could be more indefensible than the imtemperate rashness of the proceeding. The minister went completely upon speculation. What speculation of expenditure had not turned out to be fallacious? Every statement of the right hon. gentleman, with regard to reduction and economy, remained to be fulfilled. The committee of last year, composed of very honourable men, had given a statement of what was likely to be the peace establishment. It might, perhaps be found exact; but let it be remembered, that the statement of the committee of 1786, a committee equally honourable, had fallen short by 500,000*l.* of the actual expenditure, and the subsequent statement might be liable to the same deficiency. It would have been well at least, to have taken the benefit of one single year's peace establishment. What could be the reason of this intemperate hurry? He had no hesitation in agreeing with his hon. friend that it was the Russian armament which pressed upon him and which had produced this hasty, ill-timed, and unconstitutional sacrifice to popularity. He said unconstitutional, for every thing that crippled the proceedings of parliament, every thing that placed the crown between the House of Commons and their constituents, was unconstitutional and alarming. If the question had come fairly before them, he should have given it his negative; now, however, he could not do this, since a greater evil might be incurred from the danger of a division between that House and the people,—a division which the unparliamentary and improper recommendation from the throne might occasion. Pressed on the subject of the Russian war, sensible that his head-strong interference in a dispute had involved him in a dilemma, from which the result could afford him no argument of defence, the right hon. gentleman had thrown out this boon to the public, to divert them from the contemplation of his conduct. He did not mean to accuse him of being so poor a logician, as to set this up as the *ratio justifica*, but he was well aware, that, tempting and agreeable, it would serve as the *ratio suasoria*.—Having thus objected to the principle, he said he equally objected to the manner in which this was done. In case of future surplusses, were they always to act by this precedent, or what rule was there to be established? Opposition at present could not be said to be engaged in a struggle for power, the other party were too decidedly superior in numbers, and too much in possession of the confidence of the country to admit of such an idea on their part. But though in the present state of the parties of this country perhaps no immediate use might be made of this manœuvre—for it could only be regarded as a sinister manœuvre—yet if there should be in that House again a struggle for power, if the parties were more nearly on a par than at present, what miserable use might not be made of this precedent! One side, in case of a surplus, might be for giving half to the people in taxes, another for giving the whole, and there might be instituted between the two an auction for power, in which the highest bidder would attempt to purchase the favour of the country at the expense of its interests. The whole manifested a most blameable care for the moment, a subterfuge against charges to which the right hon. gentleman knew he was liable, and for which he felt that he had no justification. The Russian armament stared him in the face; he knew that the nation were of one mind on the subject of his disastrous impolicy, and that his Indian system was equally pregnant with danger and disgrace. On the subject of India there was nothing more alarming than the difference which appeared in the two ministers on the subject. The one affirmed to the House that there would be assistance derived from that quarter, the other coupled the assertion with, "if the war was speedily terminated."—In regard to the reduction of the 4 per cents, he was clearly of opinion that it was a most politic and proper measure. From the calculation that he had made on the subject, the nation

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might draw an annual benefit of between 260 and 270,000*l.* from this branch. A well-conceived plan for the measure should have his support. The rise of the funds, in his mind, was a great national benefit; for though it threw obstacles in the way of paying off the debt, it invigorated every branch of our prosperity. In proportion as the funds were high, money for every object of commercial enterprise, of manufacture, of agricultural improvement, of trade and industry of all kinds, became more easily attainable. It added, therefore, to the capital of the nation; it enlarged the sphere of activity, and produced the wealth which more than counterbalanced the difference which we had to pay in buying up the debts. If we considered the amount of our debt as a capital, the capital was certainly increased by the rise of the funds. The capital of our debt was clearly more now than in the year 1786, but the annuity was less, and to the annuity he always looked as to the true debt which was our enemy. What, then, ought to be the conduct of the nation on these premises? If it was true, that the rise of the funds imposed on the nation the hardship of paying a greater sum for redeeming the same quantity of annuity: but that at the same time that rise so largely promoted the general opulence of the nation as to make it more easy for us to redeem such annuity, the conclusion of the proposition clearly was, that the moment of wealth was the moment of redemption. But what did we do? Instead of taking the true benefit of the opulence which the high price of the funds has given us, by opposing more vigorously our great enemy the national debt, we slackened while this enemy went on; for he reared his head, and if we did not, in the moment of prosperity, increase our efforts against him, he gained ground upon us. To be uniform in the combat, therefore, it was necessary that we should add as much to the sum applied to the diminution of the debt, as the proportion between the prosperous and the adverse moment. Surely, in a day of prosperity, it was easier for the nation to buy up an annuity of 42,000*l.* than in the day of adversity; yet we were to follow the exact contrary system by this new plan, and therefore he asserted that the minister was courting popularity by the dereliction of principle.—It was the fashion of the day to praise the constitution, and to labour to destroy it. They were for ever pouring forth encomiums on it in the lump, and mangling it in detail. Every stratagem was used to make the functions of that House ungracious to the people, to make them out of favour with their representatives, to make it impossible for men to act faithfully in the discharge of their trust to the empire without having odium excited against them. Confidence in the crown was set up in the stead of confidence in the House of Commons; and the entrenchments on the constitution were carried on by appeals to the passions of the inconsiderate. For himself, he had so often occasion to notice this settled plan in the administration of the present day, and with so little success, that he despaired of producing any effect on the temper of the House. But having frequently showed himself unawed by the influence of power, he trusted he should be able on the present occasion to testify himself no less unmoved by popular prejudice and clamour; and though it would be presumptuous in any man to apply to his practice, yet he would take upon himself to apply to his sense of his duty the celebrated passage,

"Justum et tenacem propositi virum
Non civium ardor prava jubentium,
Non vultus instantis tyranni
Mente quatit solidâ."———

Mr. *Pitt* said, he would ask, where was the difference, with regard to who might be minister, between this scheme and that of the committee in 1786, but about one year and a half? But in the period of fifteen years, taking in all the vicissitudes and changes that might happen, he did not know whether he might not be as well disposed to the minister of that day, and have as good a chance of being his friend, as the right hon. gentleman. It had happened that several gentlemen who sat on the same side with the right hon. gentleman, had before now been out of their reckoning as to the changes of administration, and it might so happen again.

Mr. *Fox* said, that except he was wilfully misrepresented, he could not account for the manner in which the right hon. gentleman had argued. When he spoke before, he never meant to enter into any speculation with regard to who would or would not be minister fifteen years hence. No such ridiculous idea had ever entered his mind, and he begged the House to recollect, that when he had put that part of his argument, he had

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stated it as asking a question of the right hon. gentleman, upon which he knew he must be impartial, and which had no reference to the person who might be minister. He, perhaps, in the right hon. gentleman's opinion, was not a man of great wisdom, but he trusted he was not so foolish as to indulge in any such speculation as the right hon. gentleman had hinted at. As matters at present were, he could have no hopes of success, so unequal were the numbers; nor could he think that, because he was some years older than the right hon. gentleman, that was any reason for his speculation upon being his successor fifteen years hence. The right hon. gentleman had boasted, in high language, of the unexpected increase of the revenue. He allowed all the causes stated by the right hon. gentleman; but he certainly would not allow that the increase was either unexpected or unforeseen, whatever pains might be taken to spread abroad such an opinion, for the purpose of momentary popularity. The minister took every method to persuade the country that he was not only the person who could pay off the national debt, but the sole inventor of a plan for the reduction of that debt; that it never had been thought of till he came into power to put it into practice; and that it originated entirely with him. It required, however nothing from him to put that matter out of doubt, because the right hon. gentleman, and many in the House, must know the contrary.

The several Resolutions were then agreed to.

Debate on Earl Fitzwilliam's Resolutions respecting our Interference between Russia and the Porte.] Feb. 20. Earl *Fitzwilliam* said, he had expected, that his majesty's ministers, by laying on the table all such papers as were materially connected with the late negociation with Russia, would have rendered it unnecessary for him to have troubled their lordships. As this had not been done, he should think it his duty to move a string of resolutions. He conceived it the right of the House to be fully informed, not only of what was the original cause and object of the armament, but of the progress of the negociation in all its steps. Without this knowledge, it was impossible for them to form any judgment upon the conclusion of that negociation; and until they had it, they were free to form whatever opinions they might collect from such information as they could obtain. None, that he yet knew, convinced him that our interference was at all necessary to bring about a peace, nor did the result show that it had been at all useful. The first six resolutions he meant to move, contained a plain narrative of facts, the truth of which would not be denied; the seventh was a fair, natural, and just conclusion drawn from the facts stated in the other six. His lordship then read the following resolutions, the first of which he moved: "1. That it appears to this House, that the empress of Russia (whose uncontroverted assertion to the Prussian and British ministers at Petersburgh, that the courts of Berlin and London had acknowledged and avowed that she had been unjustly attacked and provoked), communicated to his majesty's ministers by her minister at this court, the count de Woronzow, on the 26th of May, 1790, the following as the lowest terms on which she was ready to make peace with her enemies: 1st. The re-establishment of the treaties subsisting at the moment of the rupture. 2dly, The cession of the arid and uncultivated territory which extends as far as the Dniester (containing nothing of importance, except the single town of Oczakow), so as this river may hereafter serve as a frontier between Russia and Turkey.—2. That in answer to this communication, his majesty's ministers observed to the Russian minister, count Woronzow, that these propositions appear little calculated to conciliate the minds either of the king of Sweden, or of the Porte: the cession of Oczakow, with its territory, to Russia might meet with the greatest opposition on the part of the Turks, and consequently serve rather to prolong than terminate the calamities of war.—3. That in the month of August, 1790, the king of Sweden concluded a peace with the empress of Russia, without the intervention of Great Britain.—4. That after the peace had been concluded with the king of Sweden, and during the course of a successful campaign, the same propositions respecting terms of peace with the Porte, as had heretofore been offered by the empress of Russia, were again repeated by his Swedish majesty on different occasions, and particularly so on the 31st October, 1790, accompanied on that occasion by a declaration, that the conditions of peace will always consist of the same terms on her part.—5. That

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these propositions having been invariable on the part of the empress of Russia, from the 26th May, 1790, a message was delivered on the 28th March last, by his majesty's ministers, in his name, to the two Houses of parliament. [Here was inserted his majesty's message. See p. 31.] 6. That a great naval armament was immediately ordered to be equipped; that subsequent to this armament a negociation was resumed by his majesty's minister at Petersburgh on the 26th May 1791, for the express purpose of securing a defensive frontier to the Turkish empire, as a point of the highest importance to the security and independence of that power, and essential for the maintenance of the permanent tranquillity of Europe; which negociation was concluded by adopting the proposition made by the empress on the 26th May 1790, to his majesty's ministers; and not only admitted as the basis of an accommodation, but it was farther declared on the part of his majesty's minister, that if the said terms were not accepted by the Porte within four months, the termination of the war should be left to the course of events.—7. That the negociations of the British cabinet during a period of fourteen months from 26th May 1790, backed and enforced by the weight and formidable authority of a great naval armament, equipped for that express purpose, had no effect with respect to the interests of the Ottoman Porte, unless that of retarding the conclusion of peace between that power and Russia, and of extending the calamities of war for two unnecessary and more destructive campaigns to the Turks; nor any with respect to the interests of Great Britain, but that of exposing the honour, hazarding the tranquillity of the kingdom, and of cramping the extent, and endangering the safety of its commerce, by an unnecessary and most expensive display of naval equipment, which had no beneficial object in view, and which obtained no national advantage whatever."

The Earl of *Elgin* addressed their lordships for the first time. He said, he thought there was no necessity for the resolutions, and was perfectly satisfied, by the papers on the table, as to the conduct, the progress, and the result of the negociation with Russia. He contended for the importance of our foreign alliances, and the necessity of preserving them inviolable. He maintained, that a junction of the powers of Russia with the House of Austria, and aided by France, against the Turks, might tend to overturn that balance of power which it was our undoubted interest and avowed principle to preserve. With regard to the objects of the armament, he contended, that they were worthy of the British court; and that the means employed to obtain them were highly laudable. That they had not been attended with such complete success as ministers could have wished, he confessed; but he ascribed that, in a great measure, to both the objects and the means having been misrepresented in this country. If the basis upon which the negociation was founded, was impartially investigated, it would be found to be prudent, wise, and solid. On the subject of Oczakow, the freedom of navigating the Dniester, and the possession of the country between the Bog and the Dniester, his lordship made several observations, pointing out what he considered to be the real importance of each object to this country, and to the Turks. He contended, that it was the uniform system of Russia to pursue an acquisition of territory and of power, whenever an opportunity occurred; and that this system, if not kept down by our interference, was pernicious to the Turks, to Poland, and to the general balance of power in Europe. The noble earl had stated the terms which he thought were those on which the British court had insisted, and had asked why ministers had concluded a negociation, during which no one of those terms had been obtained? This was with him one great cause for giving his approbation to ministers for their conduct, and clearly proved that they were determined not to make a bad use of the confidence given them by parliament last session. Whatever their opinions might be, or the hopes they had entertained of the system they had laid down, yet when they found that both in and out of parliament there was much opposition to that system, they had relinquished it. It had been asked, why keep a great and expensive armament for a considerable time after this general opinion of the country was known, and the ministers themselves had determined to forego the execution of their plan? Now, when the object of that armament was seriously considered, and the situation of Europe at the time, he could not believe that any man in the country, would have advised a dismemberment of

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that force, until the negociation, which it was intended to aid and forward, was brought to a conclusion. Besides the different objects of the armament which had been mentioned, there were many other considerations that rendered it prudent and necessary not to diminish our strength, till we could obtain the object of our wishes. For all these reasons he opposed the resolutions, and begged leave to move the previous question thereon.

The Earl of *Darnley*, in a maiden speech, apologized for pressing himself upon their lordships' attention. He said, he differed almost in every point from the opinion of the noble earl who spoke last, and thought the armed negociation with Russia was attended with circumstances derogatory to the dignity, honour, and policy of Great Britain. He could not avoid reverting to the state of this country at the end of the last war, compared with that in which it was now, and then inquiring a little into the propriety of the conduct of the administration so much praised by the noble earl. He paid some handsome compliments to lord Malmesbury, whose services he regretted were not now called into action; and likewise spoke in very flattering terms of Mr. Ewart, the late ambassador at Berlin. He said, the superiority of the British name, in the general scale of European politics, certainly was great, and many causes had concurred to produce this pre-eminence. Amongst others, the situation of France was one of the strongest; and he might say, without an over-degree of national vanity, that we might have been supposed in such a situation that our mediation between contending powers would have insured success to the objects of our wishes, provided our councils were guided by wise and able statesmen; but how far this had been the case he hesitated to pronounce. There was certainly a time when we might have dictated peace between Russia and the Porte upon our own terms; and how ministers were entitled to approbation for letting that opportunity slip, he could not reconcile to common sense. Whatever might have been the motives or the objects of administration, one fact was undeniable; and that was, that no possible advantage could arise to the country from the line of conduct they had followed, and that, whatever terms they negociated for, they, in fact, had gained nothing. In short, instead of obtaining any thing, they had been obliged to concede terms, which they had, in a haughty manner, told all Europe they never would depart from. The peace between Russia and the Porte had been ultimately concluded without the least respect to the meddling interference of Great Britain. They had allowed also a treaty of peace to be concluded between Russia, Sweden, and Denmark, which, if any thing could tend to encroach upon the balance of power in Europe, must have that tendency, by uniting the maritime powers in the Baltic. The papers on the table showed nothing but subterfuge and evasion, imperious demands and mean retraction on the part of this country, and nothing but dignity and firmness, justice and policy, on the part of Russia.

The Earl of *Kinnoul* said, that whether he considered the object of the negociation which ministers had rested upon, and for which they had put the country to a great expense from the armament, or their conduct with the different belligerent powers, he thought them highly censurable. This country had a right, from the high rank it stood amongst the powers of Europe, to mediate; and if a mediation was begun, and carried on upon sound principles of wisdom and enlarged policy, and ended with success, it might tend to the national honour, and to the good of those for whom it interfered; but if, as in the present instance, it was only a meddling interference, without a plea of exigency or obligation of treaty, begun in high-sounding language, and receding from the terms it proposed, and acceding to those which the opposite party advanced at the first, and maintained to the last, it degraded the nation, and did no good either to the country itself, or to the other powers in question. The Turks had no reason to thank us, who had unfortunately depended on our aid and promises, and after two campaigns, at the expense of much blood and treasure, were obliged to accede to terms they might without that have received from the first. Sweden had fortunately not trusted to us, and had concluded alone a treaty with Russia much sooner than those who had the kind interference of the mediating powers. Russia had acted on just and moderate principles. She was not to be intimidated by the frowns and menaces of any power whatever. It was right when the exigency of the case required it, to call forth the energy of the country; but

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armaments ought to be well weighed before they were set on foot, as arming and disarming without action, played with the public credit of the country, and the bravery of the people; and press warrants, though they might be justifiable in extreme cases, should never be used but on great occasions.

Lord *Hawkesbury* said, he was convinced there was not the least ground for the censure which the noble mover called for. He agreed, that a pacific system was best calculated for the interest of Great Britain, and saw nothing in the conduct of ministers which indicated a different opinion. Russia, he said, was not so friendly to us as some noble lords thought: of this he was strongly convinced. He instanced the aid we gave her in the war in which she was involved in 1739, and asserted that her maritime consequence arose almost entirely from her connexion with Britain. We had lent her officers, known for their bravery and conduct, to prepare and to fight her fleets; of those he need only mention the late sir Charles Knowles, and the names of Elphinstone and Dugdale, to point out to their lordships what assistance her naval strength had received from us. The armed neutrality and its effects, were in the recollection of every one. On what occasion, then, were we so much indebted to her? Our commercial intercourse was the next theme of admiration with some persons; but let them examine the duties on our imports and exports in the Russian trade, and he would venture to say, that the balance would be found three to one against us. The general opinion being so avowedly different from that of his majesty's ministers, he thought the latter did wisely in relinquishing an object which did not seem of such essential importance as to risk a war.

The Earl of *Guilford* said, he was not in the House on the first day of the session. But when he was informed, that in a part of the speech from the throne it was promised to lay all the papers relative to the negociation with the court of Petersburgh before the House, it gave him much satisfaction. It showed that ministers were well advised, and entertained a becoming respect for the dignity of parliament. When the question was argued last year, the grounds upon which they voted must be in the recollection of every noble lord; those grounds for agreeing were not from any information which ministers had laid before the House; for then all was involved in "prudent silence, ministerial discretion, and liberal confidence." Now, however, the case was altered; the negociation was concluded; and the time was come when their lordships had a title to be satisfied as to the vote which they had given last year; and in those papers they were to see all the particulars of a negociation which they had agreed to upon confidence. Now it was, that they were called upon to judge of the measure, and to declare to the country their conviction that this year had justified the confidence of the last. On this occasion, therefore, it surely became ministers to be forward in furnishing the House with every information that could be obtained; so that on an ample investigation of their measures, they might receive the judgment of the House upon the merits of their conduct. Now let us see, whether ministers were of the same opinion. He feared they were not; for instead of information or investigation, a motion was made for the previous question—a very satisfactory mode of explanation surely! In justice to ministers, however, it became the dignity of their lordships to be satisfied as to their conduct, and to pronounce the praise or censure which ought to follow their measures; and in justice to themselves, it became their duty to satisfy the country, and their own consciences, that they had taken the first opportunity to examine and understand the business, which they had so readily agreed to, without any knowledge of its consequences at the time. This, his noble friend who spoke last, as well as the noble earl (Elgin) thought quite unnecessary, and by a sort of parliamentary injunction, called upon their lordships to extend their confidence still farther, and pass a vote of approbation to ministers, without any previous knowledge of what they were to be commended for. His noble friend had said, that ministers had done right first in arming to demand Oczakow from Russia, and, secondly, in agreeing to a peace without having obtained it. This certainly was a good way of determining that ministers were right at all hazards; but how their lordships could solemnly agree to such doctrine he knew not. With regard to the resolutions, his noble friend had admitted that the facts they contained were all true, but would not admit the conclusions that necessarily followed, be-

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cause they appeared like a censure upon ministers. Whatever his noble friend might think of the Russian trade, he considered it to be of the greatest importance to this country. He then came to inquire, what the objects of our armament and negociation were? If to aid the Turks, the result had shown, that we had not been able to do any thing for them, which they could not have done without us. In an early stage of the debates last year it had been allowed, that there was no obligation on us to interfere, by any existing treaty with Prussia. It had been said, that we owed much to Prussia in settling the affairs of Holland. This he would allow, and that Prussia was a very good ally; but, certainly, the interference of Prussia on that occasion, was of much more consequence to Holland than to us; and yet he had never heard that the gratitude of Holland had dictated to her to meddle in this quarrel. And, after all, of what utility to Prussia had our mediation ultimately proved? None that he knew of. He should like to be informed how it was possible that Oczakow, remaining in the possession of Russia, could affect our ally Prussia? Even if there was to be a war between them, no man could imagine that she would enter the Prussian dominions by the way of Oczakow. He therefore could not see what dangerous increase of power Oczakow gave her over Prussia. The armed neutrality had been mentioned as no great proof of the friendship of Russia towards this country. He certainly could not say that ministers had acted upon principles of revenge; they had acted upon principles purely British; for amongst the papers in their lordships' hands, they would find that in the memorial of count Osterman, when the empress hinted at her protecting all neutral bottoms, and allowing them a free navigation, as it had been a testimony of her inclination to serve Great Britain, the answer of Mr. Whitworth and Mr. Fawkener breathed nothing but rapturous joy, confidence, and satisfaction, for the communication, which seemed to dispel every difficulty which had previously occurred in the negociation. Before this period they had been settling boundaries to the Russian empire, planning divisions of the district of Oczakow, and the country between the Bog and the Dniester; but as soon as the empress declared her wish to protect the neutral system, all these considerations vanished; memorials and counter memorials, letters and answers, demands and concessions, went on, and our able negociators were inclined to guarantee the Crimea, to state no boundaries to the Russian dominions, and to grant whatever she required. In addition to what he had said on the importance of the Russian trade, he would observe, that of all the potentates in Europe, it was the interest of this country to keep up a good understanding with Russia. He had likewise noticed before, that we were not bound by any treaty of alliance to meddle in the dispute between Russia and the Porte. Where, then, was he to look for the mysterious cause of our interference? He really believed there could be no other cause but that of Oczakow; and how far that was a good cause he would notice for a moment. It was notorious to all Europe, that Russia had declared the terms upon which she would make peace, fourteen months before we agreed to the very same terms; and those who said that ministers were right in their first demands, and then right in relinquishing them, seemed to forget, that, after an expensive armament and protracted negociation, they had desisted from a claim which they knew they could not accomplish before they began to arm. His idea of armaments agreed perfectly with that of the noble earl (Kinnoul); they were not to be entered upon without a strong existing necessity, because they were always accompanied by effects that were ruinous to the best interests of the country. He was a good deal astonished by the arguments of some, who seemed to think nothing of the expenses of an armament, when they had money in hand to pay for it. It was not long since the country was called upon to provide for an armament against Spain; and so much was it liked, that it appeared they had allowed so much more than was necessary, that the minister was encouraged to enter upon another almost immediately, because a part of it could be paid by the savings of the former; thus,

"The funeral bak'd meats
Did coldly furnish forth the marriage tables."

This might be thrift with the minister of the present day, but he did not understand the right which some people seemed to think ministers had to play the fool: and, indeed, they had shown that they were not inclined to omit any opportunity of doing it, lest another might not occur. He was told that we had pur-

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chased a peace in this manner. Now, he had no objection to the purchase, though he disliked the bargain, because we had, by the armament and negociation, bought at great expense what we might have got for nothing. For he contended, that it was not to the expense or extravagance of the minister's projects that we owed the peace; on the contrary, it was universally known that we owed it to the total failure of his absurd measures. Still, then, we were ignorant of the secret object of the minister. An endeavour had been made of late to rest it upon the free navigation of the Dniester; this, he owned, he did not perfectly comprehend; nor did he know of what nature that free navigation was, or who would be benefited by it. If it was ourselves, or the king of Prussia, it might be a question, in case we wished to participate the advantages of it, how we were to get at it. But why, if this was the principal object, was it never heard of till now? This appeared to him rather curious. He had been informed, that a tragedy had come out at one of our theatres this winter, wherein the principal hero of the piece did not make his appearance till the last scene of the last act; and this, he thought, was a similar instance; for though it was said to be a very important advantage, it had never been heard of till the negociation was concluded, the former objects of the armament given up, and the failure of our whole system had occasioned a peace; which was surely introducing it in what might be called the last scene of the last act. It was clear that Russia had proposed her own terms, which we had refused; and, after all, she had carried the point for herself without our mediation. He thought nothing could be a stronger proof that our mediation was not of the smallest consequence to the negociating powers, than that they had deemed it unnecessary even to furnish our court with official copies of the preliminary articles. It certainly convinced him that we had nothing to do with the peace that followed these articles. He recurred to the motion for the previous question, which he thought the most extraordinary and unbecoming the dignity of the House, that ministers could have attempted. When they laid papers upon the table, he never thought that it was meant to let them remain there unlooked at, or, when examined, to be passed over in silence. Such conduct could add nothing to the characters of ministers, and would tend to lower the British name in the respect and esteem of all other nations.

Lord *Grenville* said, that his majesty's ministers did not wish to receive from parliament any other than constitutional confidence. He was aware of the idle and vulgar prejudices, that this country had no occasion for foreign connexions—that it was our best system to stand alone. Such prejudices had been industriously spread out of doors; but this delusive and dangerous policy, no one noble lord had ventured to advance that night. But though it was certainly untrue, that we could safely and prudently stand alone, it was true that we had no ambitious objects to pursue. Our principles were pacific. It was known to Europe that they were so; and it was a matter of pride, that standing on the high eminence which we did, we exerted our power only for the maintenance of peace. Such was the true object of our late interference. Our ally Prussia, had substantial reasons for alarm at the encroachments of Russia on the Porte. They threatened the overthrow of that balance which was necessary to the general tranquillity. It was evident that the object of Russia was to become maritime; and he desired to know if that was an object favourable, or even safe for England? It was an acknowledged fact, that if ever she did become maritime, it was to the friendship of England that she owed it. How far we were justified in forming hopes of a grateful return, no one could better inform their lordships than the noble earl who spoke last. He certainly had had the means of knowing, in a very critical moment for this country, the true nature and value of the friendship of her imperial majesty. Oczakow was said to be of no value in the hands of Russia. He denied the fact. In the hands of Russia it was important, because it could only be for offence. To the Porte it could only be of consequence for defence. It was precisely on this distinction that the alarm had been taken. Such was the opinion of their ally. Such had been the opinion of the cabinet, and upon this opinion they acted. But when they found, that both in and out of parliament there were a considerable number of persons who did not agree with ministers in this view of the subject—they determined that it was not proper to risk the hazard of a war under such circumstances. Such ought ever to be the influence in a popular go-

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vernment of public opinion, and he should ever yield to its sway. No doubt, the empress, who by various channels must have heard the effects of this divided opinion, would also regulate her conduct upon it. The consequence was, that ministers determined to give up so much of their original plan as regarded Oczakow. Upon this the noble earl had exerted an abundant portion of his wit, in saying, that ministers were to be defended, first, for demanding Oczakow to be given up, and secondly, for consenting to its being retained. He confessed it was with astonishment he had heard this sort of ridicule from the noble earl. Did no part of the noble earl's life furnish him with instances, when, under different circumstances, he might be constrained to give up at one moment, what he had struggled for at another? But it had been said, why keep up the armament, when ministers had, in their own minds, abandoned the object? There were other circumstances which made it necessary to keep up the armament for a certain time. The free navigation of the Dniester had also afforded him a subject for merriment. But was it a matter unknown to the noble earl, that the Turks drew considerable quantities of grain from Poland; and that when Oczakow was given up, it became necessary that this channel should be secured to the Poles, on the one hand, and the Turks on the other?—The noble lord then took a review of the recent transactions of Europe, in all of which ministers had exerted their influence to restore things to the *status quo*—the balance which it was thought necessary to poise. A treaty had been formed, through the mediation of the allied powers, between the emperor and the Porte, on the basis of the *status quo*. Peace had been re-established between Russsia and Sweden, not certainly by their influence, but on the same basis. The Netherlands had been restored to the house of Austria, and the ancient constitution secured to the people on the mediation of the allied powers. Peace had been also established between Russia and the Porte on the basis of the *status quo*, qualified only by the retention of Oczakow. All this had been done in the true spirit of the pacific principles by which we were governed.

Viscount *Stormont* said, he could not conceive how it was possible for ministers to escape from the pressure of this alternative—either the objects contended for were important to the great interests of this country, or they were not. If those interests were not concerned, then, confessedly, was the armament made without an adequate cause. Take the other side of the alternative, and maintain that the terms obtained by Russia are materially injurious to this country, then have those interests been deserted, abandoned, and sacrificed by you, the ministers of the day. If your plan was part of a system of alliance, as we were formerly told, if it was one great link in the chain, by whose hand has that chain been broken? If the possession of Oczakow was necessary to secure the Turkish frontier, if upon that security the independence of the Ottoman empire, so essential to the general balance, did depend, you, the ministers, have disregarded all these considerations. If Oczakow be the key of Constantinople, you the ministers have delivered that key into the empress of Russia's hands. Observe, my lords, what these ministers do, these protectors of the Ottoman empire. The empress of Russia had repeatedly declared, that no success should make her rise in her demands; but our ministers go out of their way, as it were, to free her from that stipulation; leave her to pursue the career of victory and conquest. She might be seated upon the throne of Constantinople; she might drive the Turks out of Europe, drive them beyond Mount Taurus, proceed even to the utter annihilation of the Ottoman empire, and this country was bound by solemn treaty not to interfere. Such is the engagement entered into by those very men, who thought the preservation of the Turkish empire so essential to the dearest interests of Great Britain! What charm there was in this Oczakow! What made it of such inestimable value, that in order to obtain the restitution of it to the Turks, ministers could offer to guarantee to Russia the Crimea, that Crimea which is confessedly one of the great sources of the naval power of Russia, that Crimea which, when secured to Russia, opens to her the certain means of having a great fleet in the Black Sea: that Crimea which was such a darling object to the Turks, that, ungovernable as they are, and open as it would be without Oczakow, to any sudden invasion of the Tartars, there is no saying how soon Russia might have called upon us to make good our guarantee. This offer, made too, as I understand, without so much as demanding the reci-

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procity of a defensive alliance, is clearly contrary to the policy pursued at a time when the ministers of this country saw, what indeed all ministers, except the present, have seen, namely, the advantage of the closest connexion with Russia. But important as this subject is, I must leave it, and go to a quite different point. I charge the ministers directly with having advised the carrying on the armament, and subjecting the country to all the inconveniences inseparable from great naval preparations, after it was determined in council that the force so prepared should not be employed. I hasten to the proof by which I support this charge. I strongly suspect that the change of opinion in the cabinet took place at a very early period indeed, three days after the king's message to parliament; this I suspect, but cannot prove. I can therefore only date the change from the time when Mr. Fawkener's instructions were signed. I cannot fix the precise moment of that signature, but he set out the beginning of May. The change must have preceded his instructions, as they were founded upon it. How do you prove that? The proof is easy and irrefragable. His conduct is praised by all; I most heartily join in that praise, and have, upon all occasions, done justice to Mr. Fawkener's talents and abilities. He must then have been authorized by his instructions to make an absolute surrender of all the points for which ministers affected to contend, because, by him and his colleague, such absolute surrender was actually made. I cannot reconcile the conduct of ministers in this part of the business to any principle of common prudence. Was it wise to attract the eyes of all Europe, to turn them upon us, that they might behold this great nation standing with her hand upon her sword, which they who govern her had determined should not be drawn? Do men call the world to be spectators of a combat, in which they are resolved not to engage? What was the object of this extraordinary mission, for which a gentleman of distinguished character and abilities was chosen? The immediate effect was to raise a general belief in Europe, (in which, however, the good men of the city who knew ministers did not join), that there was at least some one point which administration were determined not to yield. The event was waited for with anxious impatience? What has been the final issue? It is not the "*parturiunt montes*," not even a mouse was produced. Expectation, that had been lifted so high, fell at once to the ground, and the whole ended in nothing but the disgrace of having advanced with rashness to retreat with shame. — I now proceed to another charge. Not only ministers continued to arm, when pre-determined to yield, but those preparations were continued, when the court of Petersburgh could not but know they were not to be employed. I date this knowledge from the day on which the first joint memorial of Mr. Faulkner and Mr. Whitworth was presented. It is impossible to read that memorial, without seeing that the empress had the game in her own hands. Some slight *adoucissemens* were proposed and asked from the empress's goodness and generosity. Is that the language of a great nation, standing upon a great national point, and determined to maintain it by force of arms? No, my lords, it is the refusal of one who will ultimately comply. Yet in this situation of things, was our armament carried on with the greatest alacrity. It is painful to think how easily all this might have been avoided, if, after ministers had decided in cabinet to give up the point, they had signified to the court of Petersburgh, that the desire of restoring peace outweighing with them every other consideration, they would no longer resist the empress's demands: half an hour's conference would have ended the whole, including the free navigation of the Dniester, to which it does not appear that the empress ever had the smallest objection. This plain and obvious measure would have prevented much inconvenience, much expense, and what is of infinitely more importance, would have saved the national honour. I cannot sit down, without taking some notice of the merit the noble secretary of state seemed to claim for himself, and his colleagues, for having yielded to public opinion, and relinquished measures they thought right, with the full conviction of their rectitude and wisdom operating on their minds, at the very moment of the change. I beg your lordships to remember, how immediately that change took place after the sense of both Houses of Parliament had been expressed by a great majority. I contend that the voice of the nation is here, and in the other House of Parliament. It is parliament, my lords, that is the legal organ of the national voice; and therefore, he who looks for the sentiments

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of the nation, must in the first instance look for them there, where the constitution has told him they are to be found.

The Duke of *Leeds* said, that, from the important situation which he had held in his majesty's councils, it would naturally be expected that he should deliver his sentiments on the subject; and, from what he had heard on that day from noble lords on both sides of the House, he should be singular in his opinion. Your lordships will forgive me, said the noble duke, if I presume to trouble you for a minute or two on a matter in which I am so intimately concerned. It certainly was my peculiar duty to consider this subject most deliberately. It would have been unpardonable in me if I had taken up a premature judgment on a measure so truly important. My lords, I did form an opinion, and I still think the system adopted at the time, if persisted in, would have been advantageous to the empire. Why, after the system was taken up and announced, it was thought expedient to form another opinion, I protest I cannot inform you; for though I have heard many rumours, I can only say, that I found no reasons to satisfy my mind of the propriety, the wisdom, or the policy of a departure from the system which had been formed, and on which the cabinet had committed itself in the eyes of Europe. When I found in my colleagues this disposition, duty to my king, respect to my country, and permit me to say, my own feelings, pointed out the only line which I had to pursue. I laid those seals at the feet of his majesty, with which he had been pleased to honour me for so long a time, and which I trust were returned as pure and unstained as they came into my hands. I thought this the proper course of honour, as I could not subscribe to the unexplained change of opinion which had taken place, nor agree to give my countenance and support to a system directly the reverse of that which on the most deliberate reasoning had been adopted. I did not think it incumbent on me to do more. I did not think myself called on to come down to my place at the moment, to explain the reason of my having solicited his majesty's permission to retire from office. Respect to my colleagues made me feel it right, that their new system should not meet from me any impediment. There is but one point on which I take blame to myself, and for which I consider myself as bound to make an apology to your lordships. I was wrong in common with my colleagues, in resisting all explanation, and for not meeting the question fairly. Though there are occasions undoubtedly when liberal confidence must be given to his majesty's ministers, yet, on a subject so important as a message, announcing an armed interference with a foreign power, the nation has an undoubted right to explicit explanation. My reflections on this great question have impressed on my mind this truth; and I am sure, that if the causes which had induced ministers to bring down the message had been candidly explained, the nation at large would have given their concurrence to the system which was adopted.—It is said that Oczakow, the object of their interference, was really of no value. I will content myself with saying, in answer to that assertion, that the ministers of Russia, from their uniform language while I was in office, and from their uniform conduct since, have proved that they thought it an object of value. If it was of consequence not to sacrifice the balance of Europe, Oczakow was important. It has been evidently the plan of the empress to press upon the Ottoman Porte, and her designs were viewed with jealousy by our ally, the king of Prussia. Now, though we certainly were not bound by the letter of the treaty existing with the court of Berlin, to take measures with him to prevent the dangerous extension of the Russian empire, yet a liberal construction of a friendly treaty demanded that we should enter into his views. Such was the system on which I acted. It was thought adviseable to change it; and Russia has been permitted to make an acquisition, which I think dangerous and inconvenient.—His grace concluded with a short repetition of the cause of his resignation; it was produced by that sense of duty which made it impossible for him to hold a situation, the duties of which he could not execute without the dereliction of opinions which he had maturely formed, and the adoption of others of which he totally disapproved.

The previous question being then put on the first Resolution, the House divided: Contents, 73; Proxies, 9—82. Not-contents, 18; Proxies, 1—19. Majority 63. The previous question was also put and carried on the rest of the resolutions, except the last, which was negatived.

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Debate on Mr. Grey's Motion for Papers relative to the War between Russia and the Porte.] Feb. 20. Mr. *Grey* said, that he regretted the necessity from which he now felt himself compelled to come forward with a motion for papers. From his majesty's speech he had hoped that the House would be furnished with all the necessary information respecting the object and effect of the measures of administration. He trusted that the period had at last arrived for a discussion suitable to the importance of the subject and the dignity of that House, in which they should be able to show themselves faithful stewards of the public, whose money they had voted away, and influenced by no motives but a regard to their own duty and the interests of their constituents. He hoped, that the House would never be so blindly attached to a system of confidence in administration, or so remiss in the discharge of its first and most sacred avocation, as to neglect all inquiry. In this hope he trusted he was not deceived, and was still sanguine, in spite of that opposition, which had already been but too successfully exerted against all attempts to bring forward the means of discussion. On the present occasion he was more especially sanguine, as the only pretext that had formerly been urged for withholding papers was now completely removed. This was now the third time in which he had come forward to move for the production of papers, and no ill success should discourage him from persisting in what he regarded as his duty. 1st, When he had moved for papers on the subject of the Spanish armament, it was then urged as an objection, the necessity which there existed of secresy, and the danger with which the production of papers would be attended, pending a negociation. 2dly, When he had taken an opportunity to renew that motion, when called upon for a vote of approbation, it was found, that though the negociation was over, the reign of confidence had not ceased. The same confidence which had before been alleged as a pretext for withholding information, was then found to have equal weight in suppressing inquiry, and it was stated that no papers ought to be produced except there appeared some ground for blame on the face of the transaction, and that no such ground was afforded, as the object for which the armament had been entered into was completely obtained. The case was now different, *habeo reum confitentem*, the minister's own declaration afforded ground for examination and censure. Yet even now the person suspected was allowed to exercise his discretion with respect to what papers were to be produced. To his fidelity and zeal was committed the care of affording all such information as he should deem necessary and proper, and there was no doubt that in the discharge of this duty he would be careful to bring forward such materials as might not tend to criminate himself. Thus, with confidence pending negociations, and confidence after their conclusion, the minister appeared to have got a general indemnity. Pending a negociation, such papers are only to be produced as the minister thinks proper; and now that the negociation is at an end, he takes a new ground, and says, "Trust to my candour for the production of such papers as may be necessary!" Such conduct was a gross insult to the House, and in which they, he trusted, would never tamely acquiesce. From the papers already on the table, there appeared to him ground for crimination, since by these papers it would be found that the business had at first been undertaken without any justifiable cause, and afterwards meanly and basely abandoned. The minister himself had confessed that, in his object of securing the possession of Oczakow to the Turks, which had been held out as the great object of the armament, he had completely failed. It yet remained to be proved, how far this object was of a nature which affected us, or our allies; and, if it did affect either, what steps had been taken on the occasion: if it affected us, whether we had called for their support, or if it affected them, what application had been made on their part for assistance.—He should now state what farther papers he wanted for this purpose. It had at first been stated that the influence of the Turkish empire in Europe was considerable, and that its diminution would be injurious to the interests of our ally the king of Prussia. In this case it affected us only collaterally, and so far as the interests of our ally were concerned. And as it could not be supposed that ministers should be so officious as to interfere without being desired, it was material to know what representations and requisitions had been made by the king of Prussia on the occasion. The treaty of this country with Prussia was purely defensive; what, then, was the nature of the engagements,

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or those grounds upon which we had been led to take part in an object entirely unconnected with our interests? There had been rumours, that we stood pledged by an engagement with the court of Prussia in a manner very different from that which was openly specified in the treaty between us and that court, laid upon the table a considerable time since. If these rumours were without foundation, it was a duty the minister owed to himself, and to the public to refute them. If they were true they were indeed alarming, and the people of this country ought to know the fact. One of his objects, therefore, was to know the extent of our engagement with the court of Prussia. He asked no private papers, no instructions that had been given to the minister at Berlin. But still it might be stated there would be danger in the production of papers. What danger? The only danger which he could perceive would be in refusing them. If the views of ministers were really such as were stated, they would only be confirmed by their production. Otherwise his reasoning was conclusive. For if other views were entertained, if there had been formed schemes of conquest, or the object had in reality been to put Dantzick and Thorn into the hands of the king of Prussia, it was of consequence to guard against the machinations of a weak and corrupt ministry, and assert the good faith of the country which their conduct had endangered. Was the treaty with Prussia, that had been laid upon the table the only treaty, and was it the whole of the treaty? Was there no secret article of a different tendency than was correspondent with a defensive treaty? The production of the papers, for which he meant to move, might possibly operate to the advantage of ministers, and it was also possible, that it might have a different tendency. He did, however, think it highly proper that the House should be made acquainted with what had passed between our court and that of Berlin. He also wished to know the feelings of the states in the Baltic, what had been the sentiments of the court of Denmark, as well as of the court of Constantinople. Mr. Grey read his other motions for different papers, which, he said, he thought could not be opposed. If it were asked, what was the intention of the production of these papers, he should answer, that the House might be fully acquainted with the whole of the negociation, and not rely solely on the garbled extracts and scraps prepared by the right hon. gentleman, who stood before them as an accused person. The question was, whether they should on that occasion act as became the honest representatives of a free people, or like the sycophants of the crown, and the flatterers of the minister. He reminded the House of her imperial majesty's answer to the arrogant demands of the right hon. gentleman. She had said, that there was a duty which she owed to her subjects, and that she was bound to convince them, that their blood and treasure had neither been wantonly nor unnecessarily expended. He lamented that it should be necessary to quote the opinion of a despotic monarch, who well knew, that absolute as her power was, as her subjects themselves confessed it to be, and extensive as her dominions were, the existence of the one, and the integrity of the other, depended on opinion. She well knew, that in this country, obedience to the government implied protection to the subject; and it was incumbent on that House to take up her language, and say, that there was a duty which they owed to their constituents, and that they were bound to convince them, that their treasure had not been wantonly or unnecessarily expended. If they were to accuse the right hon. gentleman, was he himself to direct the evidence that was brought forward to support the accusation? They had heard of the excellence of the British constitution, in the speech from the throne, and they had heard it described by the right hon. gentleman in a strain of admirable eloquence, that animated and warmed the heart of every member present. What was the subject of his panegyric, ought with them to be matter of practice. Let the right hon. gentleman praise the constitution: let them defend it:

"We too are friends to loyalty. We love
The king who loves the law, respects its bounds,
And lives content within them. Him we serve
Freely and with delight, who leaves us free.
But recollecting still that he is man,
We trust him not too far. King tho' he be,
And king in England too, he may be weak
And vain enough to be ambitious still,
May exercise amiss his proper pow'rs,
Or covet more than freemen choose to grant;
Beyond that mark is treason. He is ours,
T' administer, to guard, to adorn the state,
But not to warp or change it. We are his,
To serve him nobly in the common cause,
True to the death, but not to be his slaves."

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Should the most valuable functions and privileges of that House be suffered to fall into disuse, the loss would soon be felt by the public. They might be regularly honoured by what lord Chatham had once termed "the annual opiate of a speech from the throne;" but though at present, considered as a question of feeling, there might appear to be little danger to the constitution, there were those who looked beyond the price of the funds for the prosperity of their country. There were those who, notwithstanding they were told that the constitution would last "till time should be no more," saw, in the extent to which the new-fangled doctrine of confidence was carried, symptoms of decay, no less alarming than a fall of stocks or a decline of credit, and with regret perceived that they were daily bestowing praises on a constitution into which they were daily introducing abuses. If they suffered ministers to spend the money of their constituents in useless and expensive armaments, without due inquiry, they need not boast of the excellence of the constitution, or the privileges and functions of that House, for little would be left of the character or importance of either. Mr. Grey then moved: 1. "That an humble address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House copies or extracts of all representations or requisitions made by the court of Berlin to his majesty's ministers at the said court, or by his Prussian majesty's minister at this court, to his majesty's secretary of state for the foreign department, or other ministers at home, relating to the war between Russia and the Porte; together with the answers that were given to such representations or requisitions; and also copies or extracts of all representations made by his majesty's secretary of state for the foreign department, or other ministers at home, to his Prussian majesty's minister here, or by his majesty's minister at the court of Berlin, together with the answers to such representations upon the subject of the said war." —2. That an humble address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House, an account of all offers made to the Ottoman Porte by his majesty's minister at Constantinople for the purpose of proposing conditions of peace to the empress of Russia, together with the answers to such offers: and of all representations or requisitions made by the Ottoman Porte relative to the war with Russia, and the answers to the same; and also, of such engagements as may have been entered into by his majesty's ministers with the Ottoman Porte, relative to any assistance to be afforded to the said power, by his majesty and his allies, in case of a continuation of the war.—3. That an humble address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House, an account of the steps taken by his majesty and the king of Prussia, to propose to the Ottoman Porte, the conditions of peace, consented to by Messrs. Whitworth and Fawkener, and count Goltze, in their memorial, dated July 22d, 1791, according to the engagements entered into in the said memorial, and of any answer that may have been returned to such recommendation, on the part of their Britannic and Prussian majesties, by the Porte.—4. That an humble address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House, an account of the overtures made by his Catholic majesty and the court of Denmark, for the purpose of terminating the war between Russia and the Porte, referred to in the memorial of Messrs. Whitworth and Fawkener, and count Goltze, dated June 29th, 1791.—5. That an humble address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House, an account of all memorials, representations, and requisitions, together with the answers to the same, that may have passed between the courts of London and Petersburgh, relative to the war between Russia and the Porte, from the 19th of December 1789, to the present period exclusive, that do not appear in the papers already presented to the House."—The question being put upon the first motion,

Mr. *Minchin* contended, that we might have made Russia give better terms to the Porte than she had done, if the negociation had been left to its due operation and effect. He entered into a description of the importance of Oczakow, and the territory adjoining, which he said was equally advantageous to Prussia and the Porte, from its situation, as Gibraltar was advantageous to us as a key to the Medi-

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terranean. He spoke of that fascinating eloquence, on the other side of the House, which had, on a former occasion, been successfully employed to make "the worse appear the better reason." To that eloquence, which he had often heard with pleasure, but which he then heard with an apprehension that had been justified by the event, he ascribed the change of popular opinion; and when the minister found that the majority of the people were averse to a Russian war, had he pursued a measure that was unpopular, it would have argued him to be out of his senses. He maintained that our conduct in the negociation was formed on a plan of wisdom and justice, and was persuaded that the peace would be the peace of a day only, and that the country would have reason to lament, that our armament had not fully attained its object.

Mr. *Pitt* said, that the hon. gentleman seemed to take two grounds in support of his motion. The one was founded on the general principle of examining into all the circumstances of a negociation after it was concluded; and for which purpose all communications between the different powers that could possibly be supposed to tend to explain the negociation, must be laid before the House. This was claimed in the present case as a principle in the constitution of this country. The other ground depended on the necessity of the present information for the purpose of inquiring into the merit or demerit of the present administration, in their conduct respecting the late armament. One of these points had already been very much the subject of discussion in that House, as had been allowed by the hon. mover on the present occasion. From what he had this day heard, he was not able to collect what was the constitutional principle on which the object of the motion could be said to rest. That government should expect from that House, on any occasion, a blind, unlimited, and disgraceful confidence, he was as far from maintaining as any man. He was as ready as any one to join in the principle, that the House of Commons had the power to inquire, the right to inquire, to interpose its advice to the throne, and, on a sufficient ground, to proceed to the punishment of delinquents. There might be cases where it was their duty to exercise that power. This was not, however, to be done, but where strong suspicion, accompanied the conduct of the officers acting under the executive branch of the state. This he was so far from denying, that he admitted there might be circumstances that would call for the exercise of that power, even pending a negociation. But on the other hand, whenever there should, either in fact or in apprehension, be any danger in the case, or where the party asking for information did not make out the necessity, he maintained there might be many points of information that ought not to be laid before the public. This was a principle that not only was to be found in the theory of our constitution, but was also the daily practice of those who were best acquainted with it. There were none, even among those who might be friends to the most vigilant inquiry, who would not allow that it might be improper to disclose some particulars pending a negociation; and it was generally admitted, that such information should not be granted, unless there should be stated something that would counterbalance the evil which might await the disclosure. He believed he did not go too far when he said, that there should be something of a very extraordinary nature stated, before it would be prudent for ministers to give to the public all the information possessed by government, by which they might disclose various circumstances belonging to different states in Europe; for by declining that, the other parts of the information would be rendered useless, and by a full disclosure of facts of this nature, they might effect the dissolution of all alliance, and the utter destruction of all treaties, without having the chance of a renewal; and therefore, he could not for a moment think that it would be consistent with the spirit of our constitution, or with the safety of any regulated state, to give way to motions for papers, unless the production of them was manifestly necessary. The hon. mover had not gone to the full extent of saying he was entitled to call for information in this manner: but all the arguments he urged in favour of his motion, were of that nature, although they were not pushed to that extent. The hon. gentleman wished to represent the ministers of the crown as asking for, and the House as giving, a portion of confidence, that was new and dangerous, and such as a member of parliament could not grant, without foregoing his duty to his constituents. This charge against ministers and the House,

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brought the subject to a question. "Was the conduct of the ministers and of the House who sanctioned their measures, unconstitutional?" The power of making war and peace, in the ordinary course of events, was given, in the first instance, to the executive part of the state, and a little while ago he should have been ashamed of asking, whether this was not wisely given? Or whether parliament had not the power of examining into the wisdom of the measures adopted by the executive branch, and if displeased with them, of withholding the supplies? Or to proceed to the punishment of those who had advised the crown to adopt unwise measures? Or, on pressing occasions, to interrupt ministers in the pursuit of bad measures, and to address the throne to avoid the impending danger? These were all of them clear points. What, then, was the case here to be argued? It was, that the House was called on to interfere with the prerogative of the executive power, to examine into its exercise, although no one instance was adduced of its being abused. What was this but maintaining, that the very foundation of the principle of confidence in any instance wherein the government was concerned, should be utterly destroyed? That in some cases there must be an examination he admitted; but to say that it was a useful principle to be laid down, that no confidence should be reposed in the existing government on any occasion, was a proposition so monstrous that it could not be maintained for a moment. It sapped the very essence of all government. It tore up the very roots of society itself; for the legislature altogether was no more than a trust which government had provided in the state for the benefit of the community. Whatever, therefore, might be said against the principle of confidence, he was ready to confess that without a reasonable degree of confidence in the ministers, there could be no regular government, and that the whole state would fall back into its original mass, where the law was nothing but the individual will, and where we should be in a condition in which we might give the name of method to anarchy and confusion. Let us, then, see whether the confidence in this case was against the spirit of the constitution of this country. The question was, whether there was that sort of case in the present instance, that made it reasonable the House should give the confidence which had been asked, pending the negociation? And, now that the negociation was concluded, whether there was ground of suspicion against the ministers as to the manner in which they had conducted themselves, so as to make an inquiry into their conduct necessary? He thought it material, that the principle on which these points were to be governed should not be misunderstood; and he thought that the House would hardly go to the length which the hon. mover seemed to adopt. He did not believe they would dispute the proposition, that a reasonable share of confidence in administration was not only allowed, but called for, by the constitution of this country. And here he could not help reminding the House of the difference of conduct in the gentlemen of the opposition. He had not forgotten the opprobrium with which he and others with whom he had the honour to act in the year 1784 were loaded, upon his expressing a difference of opinion from the gentlemen on the other side of the House, upon the principle of confidence. They had seemingly forgot that at that time confidence was the cry of their party, when this country might be said to have been without an executive government. Then they all declaimed upon the absolute necessity of confidence; and to such a pitch did they carry this point, that by a small majority they agreed to address, and did address, the throne, upon the choice of ministers, and this, too, against the decided voice of the people, and under circumstances by which it was understood that the party were then of opinion that there was no constitutional way of knowing the voice of the people but by the medium of that House. Such was their opinion then; but now it was changed, and no confidence was to be given to ministers, nor was any respect to be due to the majority of that House, who had supported the measures now under discussion. So well could they qualify or disqualify any opinion, or any system, just as they should happen to be circumstanced; and the voice of the House of Commons was either the voice of the whole people of this country, or the voice of faction, under the direction of some particular persons, as it might best suit the purpose of those gentlemen! These things, when they came to feel them, and coolly to reflect on them, would induce them to suspect they had been too hasty in their opinions on each side of the question; that perhaps they had been in some degree

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deceived in both; and that they then carried their ideas of confidence too high, as now they were disposed to bring them too low. They were then hurried by their passions, and were now misled by their disappointment. It therefore should seem, that the confidence now asked was neither against the theory nor the practice of the constitution, but was such as, under similar circumstances, might be granted safely to ministers in any well-regulated state.—But to come to the present point. It seemed the House had a criminal who confessed the charge. He must observe that this was the first time he had heard of it. He had yet to learn that there was any accusation brought against him; for at present he stood in a very singular situation; he was said to have confessed a charge which, till this moment, he did not know had been laid. This was severe beyond all precedent in the course of criminal jurisprudence; for he always understood that when a criminal was brought to the bar to answer to any charge exhibited against him, he was advised by the court or judge to plead, not-guilty. If he were to be put on his trial upon a charge in this case, he should beg leave to plead the general issue; not-guilty. "But, then, if the charge against him was not made, he knew it would be made." To this he answered, that there was enough on the face of the transaction, as disclosed to the public through the medium of the papers on the table, to induce the House to approve of the conduct of ministers on this occasion, as there had been in the case of the armament against Spain: the case was different, indeed, in some of the circumstances, but not so as to render the House any more suspicious of the integrity of ministers in the one case, than in the other. He confessed, however, freely, that had the case rested where the first vote of address was given, had not his majesty, at the opening of the present session, ordered the papers to be laid before the House which were now before them, he should, speaking as an independent member, say there was not sufficient for the House to approve of the conduct of ministers; but now, with this information, he must say there was quite as much as the House could reasonably require. It was very true that the late armament against Russia had failed, in a great degree, of its intended effect. We had not obtained what we intended to obtain. We had endeavoured to do what, as it turned out, we were not able to do. But upon the papers before the House, they could form an opinion without making any farther inquiry. It appeared by these papers what it was we wished to obtain, and what it was we had obtained. Did it not appear, that what we wished to obtain was no more than what we had a right to expect? The point of the negociation having terminated without our obtaining one object, was a matter for argument on some future day; he did not wish to enter into the merit or the demerit of the determination now; but it appeared from the documents before the House, that there could not be any blame on his majesty's ministers in this case. It appeared that the demands of the empress on the Porte were larger than what she afterwards had really obtained; that she applied to this country to second her views, and that, after a length of negociation, we had refused to accede to her demand. She still insisted on possessing that, which this government thought important to the balance of power in Europe that she should not retain, and also so particularly to interfere with the claims of our allies and the immediate interests of this country, that the matter of dispute gave rise to an armed negociation. The ministers of this country thought fit to enter into this armament, in order to enforce the object of our negociation, in the course of which we insisted on a cession by the empress of Oczakow, but which she afterwards refused to give up; and as we had obtained some points on her part, which we did not mean to insist on very strenuously, and as the empress insisted on retaining this, it was deemed advisable not to persist in that point any longer. This was the conduct of administration, and if it was an object of censure, he must submit to that censure. The system on which ministers had acted on this occasion, appeared to him the best they could have adopted, and the terms agreed upon, under all the circumstances of the case, the best they could obtain: better terms had been stipulated for on the part of this country, and would have been obtained, but for circumstances which did not depend on government. Every thing that ought to be disclosed, was disclosed already; points that might be known without danger were, by means of the papers now before the public, accessible to every man in Europe; but the disclosure of more, was

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as unnecessary as it would be dangerous. There were but two ways of considering this transaction: to know the terms which we had obtained and the terms which we had insisted on; and by comparing them with all the circumstances, a just opinion might be formed. If the House should appear dissatisfied with what ministers had done, he should then desire them to place themselves in the situation of negociators under these circumstances, and then to ask themselves, "What they should have done in that situation, upon a full view of the whole of the case, containing, as it did, the relative situation of almost all the powers of Europe? He was sure that the House, from principle and a sense of duty, would not impede the progress of public business, or call for papers to put ministers on their trial unnecessarily: much less would they proceed to censure without all the evidence requisite to prove guilt; and this they could not expect to have without a minute detail of all the secret transactions of the different courts of Europe. He was sure the House would see the danger of the disclosure. He should give his negative to the present motions.

Mr. *Windham* thanked the minister for having stated the question in the proper point of view, and declared himself ready to meet the question of confidence, as it had been argued. He agreed that there had been a vast change of sentiment respecting confidence, since the period of 1784, but he begged to state that change. It was true that those with whom he had the honour to act, had stated confidence to be an essential ground-work for the existence of a minister; they considered it as a necessary, an indispensable evil, which was to be granted no farther than circumstances required, and never allowed to pass beyond certain bounds; but it was not with them that the change of sentiment consisted, but with those who, upon that occasion, formed the minority. They then maintained, that, so far from confidence being necessary on the part of the Commons, their essential duty was an unremitting watchfulness of the conduct of ministers, and jealousy of their measures. So far, therefore, he held the change of sentiment to be theirs, who had now degenerated into the opposite extreme of unlimited confidence. In applying the question of confidence to past transactions, he agreed, that in the first instance stated by his hon. friend, the commencement of the Spanish armament, there was ground for the refusal of papers pending a negociation. The next period in which confidence had been urged against the production of specific documents, was upon the conclusion of that business, when administration were driven a step farther; and having no longer the former plea to urge, had resort to the argument of the absurdity of calling for particulars, when the object having been apparent, and the success of that object equally so, the futility of all investigation must be evident. They next came naturally to the commencement of the late armament, when they were again driven to the same resource as to the commencement of hostilities; and lastly, on the present occasion they had arrived to the acme of the principle of confidence, when there appearing a *primâ facie* evidence of misconduct on the part of ministers in the conduct and conclusion of the business immediately before them; still they were to be told that they were not to demand more than it was thought proper to communicate to them, and that by the very person who was himself the object of consideration, and upon a review of whose conduct it was to be decided how far he had acted well or otherwise upon the occasion. Thus the right hon. gentleman was placed in the most absurd situation at once of criminal and accuser.

Mr. *Ryder* was content to rest the general question of confidence upon the masterly statement of it that had been made by his right hon. friend. With respect to the application of it to the cases already mentioned, it was agreed on all hands, that pending negociation, it was unwise to give up papers. At the conclusion of the Spanish negociation, papers had been again refused, because atonement having been afforded for the insult, and satisfaction for the injury, which had been offered, there was no farther occasion for investigation. And here he begged leave to state the difference between that case and the one before them. In the present case, neither the immediate object, nor the event, had been directly communicated to the House; and therefore what had been properly refused in the one case, had, in the present, been as properly offered to their consideration. How far the papers already communicated were sufficient or not, was to be judged by considering,

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what were the demands which the armament was intended to obtain, and how far what really had been obtained fell short of those demands; and if so, how far ministers were blameable. The papers before them were confessedly adequate to those points, and therefore he should certainly give his vote against the motion. If there were gentlemen who saw in the papers already produced ground of accusation, why did they not summon those whom they considered as culpable to the bar of the House? Why did they not proceed to a minute investigation of their conduct, and either pass a vote of censure or inflict punishment on the parties concerned? Why did they not, instead of moving for papers, at once have recourse to the utmost extremity?

"Nil actum reputans, si quid superesset agendum."

Lord *North* said, that the late negociation had disgraced us in the eyes of all Europe, and called aloud for investigation. Without the papers that were called for, it was impossible to have a clear insight into the transaction. It was the privilege of the House to examine and inquire, and if the papers were refused them, their most essential functions were infringed. If the right hon. gentleman would say, that the production of the papers would give the empress of Russia the least degree of chagrin, he would not press for a single paper. He declared that no more papers were necessary to criminate ministers; enough for that purpose had been produced already. It was generally believed in every court in Europe that Great Britain was the instigator of the war, and this belief would not certainly be weakened by an opposition to the present motion. The chancellor of the exchequer had praised the constitution in a former debate with all the eloquence of a Cicero. The noble lord hoped that he would afford no reason for insinuations similar to those which were advanced against that great man, that that constitution which he praised he wished to destroy. With respect to the constitvtion itself he trusted that those memorable words would never be applicable—"laudandum, ornandum, tollendum."

Mr. *Halhed* thought that the minister had peculiarly consulted the interest of this country in the steps which he had taken with regard to the Russian armament.

Mr. *Somers Cocks* said, that Mr. Pitt, though an advocate for confidence, was so well aware that it ought not to be implicit, that he acknowledged, though not in direct terms, that it ought to be limited. He also acknowledged, that, in certain cases, inquiries ought to be made, even pending a negociation, provided a strong case could be made out, but on no other grounds. Now, it was his firm opinion, that, if ever such a case existed, it was in the course of last session, when this subject was introduced to that House. As that time, however, could not be recalled, and he lamented that it could not, he should not join that night in a vote for the production of papers, as he had read those which had been already presented to the House, and thought they contained matter sufficient to set that House on its guard, with respect to questions of confidence in future, and to justify a strong reprobation of the conduct of his majesty's ministers.

Mr. *Thompson* allowed a certain portion of confidence was necessary, but reprobated that unlimited idea of it, which seemed to be entertained by the majority of that House on several questions. His first duty as a member of that House was to watch over the purses of his constituents; but how was he to perform that duty without information? Or what answer should he be able to give to his constituents, in case they asked him, why he had consented to squander their money? Would it be a sufficient one to say, that the minister came forward and demanded it? And yet, if ministers withheld information on subjects the most essential, what other answer could he give? From negociation we were put off till the conclusion; and if ministers conceived that they had obtained their object, why it was sufficient; or if they did not, it was inconvenient, and the consequences would be dangerous. If this was not carrying confidence to an unprecedented extent, he was at a loss to prescribe its limits; but he was at no loss to say, that that extent deprived the House of the interposition of its advice, which was one of its dearest privileges and that deliberative power which might be called the very essence of the constitution.

Mr. *Fox* said, the question had been so ably debated by those who thought on it as he did, that were he to suppose he could add to the clearness or the force of their arguments, he must be vain indeed.

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There were circumstances, however, that obliged him to trouble the House, although he could have been well contented to let the debate rest on the grounds upon which those who preceded him had placed it. A sort of general challenge had been thrown out to all who indulged in what were termed rhapsodies on the constitution, and declamations on confidence. Now, as he had often enlarged on the dangers to which the confidence claimed by ministers exposed the constitution, he could not but feel himself challenged to support the principles for which he contended. An attempt, it was said, had been made to excite an alarm on the subject of confidence, and had, in one point of view, been but too perniciously successful. He was ready to own, that he felt it his duty to sound that alarm within the House—to give it force and efficacy by every means in his power; and whenever he had an opportunity of delivering his opinion to any number of his constituents,—not merely those by whom he was immediately returned to parliament, but the collective body of the people of Great Britain, who were, in his sense of the word, the constituents of every member, from the moment he was elected by any part of them—to sound the alarm to them also, and to tell them that if those whom they had chosen to represent them, those to whom they had given their confidence, should transfer that confidence to the minister, they were betrayed, not represented; that where their representatives neglected to exercise that vigilance which was the most important of their functions, it was their duty to watch for themselves, to substitute for the control of parliament the control of public opinion, and to see that their money was not voted away, but on that strict examination of the necessity and the object, without which the constitution must moulder and fall to ruin. Confidence in ministers, the right hon. gentleman contended, was a vital principle in the constitution. The general proposition no man would deny; but in every good, or at least in every mixed government—and he doubted whether any but a mixed government could be a good one—the portions of confidence ought to be distributed, so much to one branch, so much to another, as the nature of their several functions required, but in no case could it be required that the whole should be given to one. His hon. friend who brought forward the motion, had very properly stated, that on the dispute with Spain, the House had first been refused an account of the precise period at which the grounds of the dispute were known, because the negociation was pending; when the negociation was no longer pending, they were again refused information, and called on to provide for the expense of an armament, because no presumption of misconduct appeared on the face of the proceedings; in the dispute with Russia, they were neither informed of the object nor the cause, pending the negociation, and now that the negociation was at an end, by a climax in confidence, they were again forbidden to ask for information,—a sort of confidence which to him seemed incredible, and to utter which required an incredible degree of confidence in another sense of the word.—With respect to the challenge that had been thrown out, whether information was, or was not, to be granted pending a negociation, taken as a general question, it was absurd. It could be strictly true in neither extreme, and was proper only when particular information, or particular papers were specified. How did this apply to the several cases in the last session of parliament and the present? On the dispute with Spain, the House was informed of the nature of the offence, and the reparation demanded. They thought the cause of offence sufficient, and the reparation proper; they passed a vote of credit on these good grounds of confidence. When the armament was at an end, they desired to be informed, whether it had not been longer continued than there was occasion for, and whether the reparation obtained might not have been obtained sooner, or without any armament at all. The answer to this was, "We are so well pleased with the event, that we will not inquire into the manner of its accomplishment: we see no ground for blame on the face of it, and we will look for none." Thus the treasure of the country was lavished, and what was of much more importance than treasure, the liberties and the properties sacrificed of those men, who, on all occasions of alarm, were pressed into the public service. Such was the confidence then demanded; but blameable as it was, he disapproved still more of the confidence granted last spring, which was carried to such an unwarrantable extent, that unless done away by the well-known sense of the people on

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the subject of it, the constitution must be considered as gone. If confidence was a necessary evil in the constitution, that evil was much increased, when it was laid down as the principle of the constitution, that the king was to appoint him in whom the House must confide, without any means on their part of objecting to his choice. Yet such had been the practice of the government since 1784—very different, certainly, from what it had been at any former period since the accession of the house of Brunswick. There were still some cases in which they could not, consistently with their duty, act on confidence. That of voting the money of their constituents was one. The king, it might be said, had the right of declaring war; but the Commons had the right, as full and as undoubted, of granting or withholding the means of carrying it on. The strict exercise of both these rights, where they happened to clash, was impossible; from which it followed, that there must be concession on the one side or the other. Now, it was surely more reasonable, that in such a case, the right of the king should be conceded, than that the money of the people should be taken from them without their consent, and for a purpose of which they did not approve. But this new mode of voting money on confidence, and paying for armaments without inquiry into the necessity, or the use, was an attack on the fundamental principles of the constitution, on the most important functions of the representatives of the people, whose peculiar duty it was to watch over the money of their constituents. If they were delegated for this purpose—if it was an essential part of their trust—they could have no right to rest that trust in the minister, to make him the sole judge of fit occasions and objects of expense, and to open the public purse on his simple requisition without examination, without inquiry, without any exercise of their own judgment. Such, however, had been their conduct: and where was the remedy? An expense had been incurred on a vote of credit, and they all agreed that the money must be paid, be the manner of the expense wise or foolish, useful or pernicious. This was the necessary result of that accursed confidence, which neglecting to inquire in the first instance, did not dare to do it in the second; which induced men first to betray, and then to shrink from their duty; and the monstrous consequence was the expenditure of public money without the efficient control of parliament. To illustrate this point, he would suppose not an extreme case, but one of the most moderate that could occur. Suppose a difference of opinion to arise on the justice and expediency of a war; on the war in India, were that a national war, and the propriety of supporting the rajah of Travancore. Suppose this a case on which honest and well-informed men might differ in opinion, the majority of the House of Commons, supported by a large majority of the people, to take one side, and the ministers the other; money must be wanted for this war—and whose opinion was to prevail? That of the majority of the House of Commons and the people at large, or that of the minister? Was there a man who would say, that the opinion of the minister ought? It might indeed be said, for the sake of cavil, that the king had the undoubted right of making war; though an undoubted right, without the means of exercising it, was a solecism. But he would not enter into this question farther than to say, that the solecism would be less in the king's yielding to the sense of the people, than in exercising his prerogative against it, without the power of doing so with effect. The answer to the question which he had put, did not admit, practically, of a moment's hesitation. The doctrine of confidence was the reverse of all this. By it the expense was first incurred, and when the object was obtained, the people might think that it was not worth obtaining, or that they would rather have paid money to prevent its being obtained. Could the House in that case refuse to pay the expense? Certainly not.—But then it was said, they might impeach the minister, and carry an address to the throne, filled with axes, halters, and gibbets. What! impeach a minister for differing from them in opinion; for differing honestly and conscientiously, too, as the case supposed! Cruel, indeed, would that majority be who should say to a minister, "we confided in you because we thought what convinced you of the propriety of an armament would convince us. You tell us for what you armed, and we are not convinced: the expense is incurred, and the people must pay, but we will hang you, because we gave you more confidence than we find you deserved." Why did not this strike men's minds more forcibly? Why, but because people generally thought that the mi-

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nister could not only guess, but create the opinion of the majority. But if he persuaded them to vote on confidence in the first instance, without discussion, he might, indeed, dictate, but could not guess their opinion, and that might happen which had just been stated. In the case now before the House, the opinion of the minister was directly opposite to that of the whole body of the people. The House voted money in support of his opinion, and it was spent. Supposing him to be asked by his constituents why it was gone, he might say he had done all in his power to prevent it, but in vain. His constituents would answer, "You were overruled by the majority, who inquired into the cause, and thought it a fit object of expense." What must he answer to this? What must the majority answer for themselves? That they had refused to inquire, that they had voted the money without inquiry, and that being spent, whether well or ill applied, the people must bear the loss.—Having said thus much on the general principle, he came now to the production of the papers moved for. They who called for them saw much to blame in those already produced, and were desirous of seeing the rest, which might furnish either matter of aggravation or excuse. They who opposed the production said, they would not look into the papers, not for the reason assigned by the hon. gentleman who spoke immediately before him, because he was convinced they could afford no extenuation of the misconduct of ministers, but because they were determined to see nothing to blame. The minister himself said, that if they called for these papers, they must call for those of a more private nature, which it would be dangerous to produce. This must arise from the nature of the defence he intended to make, and if the minister referred to such papers, the House must see them.—This, undoubtedly, would be a great evil: but if he must choose between it and that of taking millions of money from the people, and exposing thousands of men to death, without the means of judging of the necessity of such sacrifices, he would say at once—discharge all your negociators, forego all the advantages of your alliances, rather than resign your constitution. But this dilemma was not presented to him. He was not obliged to ask for papers, the disclosure of which would be dangerous. If the minister thought it necessary, the House would grant much to the rights of self-defence, and could appoint a secret committee to examine such as ought to be submitted to an open examination. His hon. friend who moved for the papers had not said, as the right hon. gentleman had tried to misrepresent, that he wanted to search in them for ground of accusation. He had said, that the papers on the table afforded matter of crimination, but that he, on the part of the public, had a right to see the whole extent of it. In this he was perfectly justifiable, for it was to be presumed, that there could be nothing secret where there was nothing wrong. Maintaining the sufficiency of our alliance with Prussia had been much insisted on last year, as if Prussia had been in danger of being prevented from rendering us the services we expected, by the ascendancy of Russia; and as if we had interfered on a Prussian interest. However this might be, it had been the common rumour at Berlin, that Prussia had been drawn in for the sake of a British interest, and it was fit to know exactly what the sentiments of the court of Berlin had really been; what offers were made through the court of Denmark; what was the opinion of Denmark on the equity of those offers; what engagements we had with the Porte, and how we had fulfilled them; whether or not we had even proposed the terms we undertook to propose.—It was also rumoured, that the Porte, far from courting, felt an objection to our interference; that had a British fleet sailed for the Black Sea, its entrance would have been opposed by those whom it came to aid; so that the first thing we should have had to do would have been to conquer our allies. Was not all this matter of strong aggravation, and what the House ought to examine the truth or falsehood of? But they were told they had full information of the object of the armament, and that the object had not been obtained, which was all they had occasion to know. If the minister was to be considered as accused, he was the most improper person to judge of the extent of his own accusation, or to select the evidence. If he was not accused, the House ought to have before them the whole of the information, on which alone they could judge whether he deserved to be accused or not. He was the more anxious in supporting these principles, because the opposition to them was grounded on that extravagant extension of confidence which tended

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to destroy the very vitals of the constitution. If they shrank from their duty in this point; if instead of inquiring, in order to judge, they thought proper to confide, they might indeed have the form and semblance of the constitution—perhaps that not long—but they would have nothing of the substance. He was happy to find the language on confidence somewhat softened, which was probably to be ascribed to its late ill success. It was not the magnitude of the sum spent upon it that constituted the objection or the excuse. The principle was as bad on half a million as on ten. There were exceptions to this, as to almost every political and moral rule, but it was not the less a rule. If he were told that ministers had information of some secret but imminent danger, which was not yet ripe for explanation, he would vote money on confidence, and suspend his judgment till an explanation could be given. But if the occasion for expense were doubtful, as in the case with Russia, if he was not to exercise his judgment before he gave his vote, he knew not why he sat in that House. If they were to transfer their functions to a minister selected by the king, on the ground of his possessing their confidence (the only ground of selection under former princes of the Brunswick line) that would be bad and absurd enough; but to do this to a minister with whose appointment their confidence had nothing to do, was ten times more absurd and intolerable. But his principle rested on the constitution itself, in which nothing was written in stronger or more legible characters than that the right of disposing of the public money, or of examining and judging of the reasons for granting or with-holding, was in the House of Commons, and not in the Crown.

Mr. *Dundas* said, that the right hon. gentleman had been by no means correct, when he had asserted, that they had been called on to vote their constituents' money last year, without hearing for what object they were to vote it. Because, what was the question then produced? It was stated, that an armament was deemed necessary; and the answer given, upon its being asked for what object, was, "I cannot tell you the minute particulars; but I think it necessary for this country to interpose between Russia and the Porte, and endeavour to mediate a peace between those powers, and that it is essentially necessary that an armament should be entered into for effecting that purpose." He desired to ask the right hon. gentleman, if, on the occasion of a war, he had ever voted the money of his constituents without confidence? He could say, that the right hon. gentleman did it every time that a war broke out. Let him therefore put this question. Supposing parliament had been sitting at the time of the affair of Holland breaking out, would he have had them come in that case, and say to the House, give to the crown the armies and navies of the kingdom, for we must do so and so? Such an explanation might have ruined the object. It was the confidence in the executive government, it was the secresy and celerity with which the business was done, that insured it success. Such principles as the right hon. gentleman had maintained, were not consonant to the principles of the constitution of this country. He contended, that in the present instance, sufficient ground had not been laid for the production of further papers.

The House divided:

Tellers.

Yeas	Sir J. St. Clair Erskine Mr. Adam - - - -	120
Noes	Mr. Steele - - - - Mr. J. Smyth - - -	235.

The other motions were then put and negatived.

Debate on Lord Porchester's Motion respecting the Armament against Russia.] Feb. 27. Lord *Porchester* said, that the negociation between this country and Russia being now at an end, the time for inquiry into the conduct of ministers was of course come. To enable the House to go into such an inquiry fully and fairly, it was the duty of ministers to give every information. The papers on the table were not sufficient; it was the duty of that House to require more, and the duty of the ministers to give them; but papers moved for had been refused, secretions had been made, and mangled documents given, which, instead of affording satisfaction to his mind, he considered to be a conduct sufficient to draw upon administration the censure of an insulted parliament and an injured people. The concealment was criminal, and the refusal insulting. Ministers treated parliament as a degraded temple of liberty, where nothing was to be found but buyers and sellers; they had called for, and obtained

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a blind and improper confidence; they had profaned the sanctuary of confidence, and had in the commencement, progress, and conclusion of their negociation, conducted themselves in a way that rendered it impossible for him to say, whether their folly or their iniquity had predominated. They had subjected themselves and their country to the ridicule of all Europe, had incurred an unnecessary expense, and had hazarded the peace of the kingdom in an interference in which it had no concern. He entered into much argument relative to the war between Russia and the Porte, and insisted that in such a war neither England or Prussia had any concern. After reprobating the commencement and conclusion of the negociation, he moved, "That his majesty's ministers have abused the confidence reposed in them by this House, in an address of the 29th of March last, which passed without any information communicated to us upon the representation of the 'necessity of making 'an addition to the naval force of the 'kingdom, for the purpose of supporting 'the interests of these kingdoms, and of 'contributing to the great and important 'object, of restoring the tranquillity of 'Europe on a secure and lasting founda-'tion;' by continuing on a great expense, and with great hardship to the British seamen, the preparation of this force, after they had determined not to employ it, but to close with the conditions offered by the court of Petersburgh, so early as on the 26th of May, 1790, repeated frequently, and invariably adhered to by that court, which they have since accepted as sufficient to support the interest of these kingdoms, and to restore the tranquillity of Europe, on a secure and lasting foundation."

Lord *Rawdon* reprobated, as extraordinary and insulting, the silence of noble lords in administration, upon a charge so directly brought against them as that contained in the motion submitted to the House. A noble duke (of Leeds) had on a former night, with all that manliness which belonged to him, come forward with reasons for quitting the situation he held, and had taken shame to himself for not having on a former occasion stated to their lordships the object of the armament; being convinced that no danger could have arisen to the public from such declaration. The noble duke, through whose hands the most important of the dispatches had passed, having made this declaration, ministers ought to have come forward in a way equally manly, and to have stated to the House every information required. By our interference we not only had not attained a single object for which we had armed, but by the conduct of administration in the armament and the negociation had effected a great deal of mischief. Sweden had been abandoned, and we had made a power, who was the most active enemy of Russia, her friend and ally; we had insisted that Austria should make peace with the Porte upon the *status quo de facto*, but had suffered that peace to be made upon the *status quo de jure*, and had allowed that power to take the whole course of the Una as a new frontier. His lordship said, there was not a shadow of reason that could be advanced to prove that Prussia or this country was in any degree interested in the acquisitions made, or that was likely to be made by Russia in her holding Oczakow, and the barren district between the Bog and the Dniester. It had been imputed to the old French system, that the cabinet of Versailles had ever adopted that insidious policy of interfering in the affairs of every country for the purpose of gratifying her vanity; and that policy had been well described, as a miserable tissue of fopperies; a policy, he said, which to him appeared similar to that adopted by ministers, both with respect to Russia in the last, and to Spain in the former armament. They appeared to him eager to grasp at any trifle to promote an interference with other nations, to gratify their own vanity, by holding themselves up to public admiration, as men capable of promoting the glory of their country; as men who could make all Europe tremble; and as men able to hurl the thunder of Great Britain to the extremities of the world. In imputing to them this vanity of wielding the thunder of their country, though they had found themselves incapable of what they attempted, and like a child flourishing a sword, let it fall from their feeble grasp, he imputed to them the most favourable motive for their conduct; for he might have imputed to them the wasting of the treasure, and hazarding the blood of the people for the purpose of a momentary popularity. Instead of rendering a service to the Turks, he feared we had occasioned them mischief, and that the Porte was convinced by facts, that an injudicious friend was more dangerous than an

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open enemy. From the papers on the table, it was in evidence against administration, that they had been guilty of gross mismanagement and pusillanimity. They had commenced an armed negociation for an object in which we had no interest, and had pusillanimously deserted that object. His lordship said, a person called upon in that House to answer the charges against him, was called upon by the country. The ministers of the crown were the servants of the people, and though they might not consider noble lords on that side of the House entitled to information or to respect, they ought to consider themselves bound to answer to their country the heavy charges now brought forward against them.

The Earl of *Carlisle* said, there were various grounds on which he conceived the House ought to agree to the motion of his noble friend. The first was the maintenance of the constitution, which had of late received so much praise from ministers; for what would it avail, that we were in possession of a glorious constitution, if the public conviction of that constitution was shaken? and what could more effectually tend to shake it, than unnecessary wars, and taxes to support them? But unnecessary wars had not only been hazarded at a period when peace was peculiarly the line of policy which the country ought to have pursued; but the meanest pretence had been seized for preparing for war. Another ground was, that the minister had procured a vote of money upon confidence, without any explanation at the time of his commencing the armament voted; or since, for his abandoning such armament. In so acting, he had betrayed a melancholy truth, namely, that the parliament was not the organ of the people. When the minister wished to stand upon the strong ground of confidence, he trusted to the breath of parliament; but if danger unforeseen stared him in the face, he made a distinction between the parliament and the people, and said, he ceased his armament upon the opinion of the people formed elsewhere than in that House. His lordship in reviewing the political objects of the armament, said, he believed they might be found in the endeavour to obtain for Prussia, Dantzic, and Thorn. He condemned the surrender of Oczakow, and ridiculed the idea of the free navigation of the Dniester being an object of the highest importance. He also charged ministers with having on slight grounds commenced the Spanish quarrel, and taken more money from parliament on that occasion than they wanted.

The Earl of *Hardwicke* defended administration, chiefly upon the ground, that they had acted upon the opinion, and with the approbation of parliament, declared by a great majority in both Houses, when the subject was discussed last year.

Lord *Grenville* stated the object of our interference between the Porte, and Russia, in whose quarrels British interests were materially concerned, as well as the interest of our ally the king of Prussia. He described the ambitious efforts of Russia, to drive the Turks out of Europe, and make herself mistress of the Black Sea, and thence render herself a maritime power, formidable to the interests of this country. That Russia had been long actuated by such an object of ambition, was traceable from the history of Europe, from which it might also be seen, that this country had thought it her interest to prevent the furtherance of that object, as often as its approach appeared to be near at hand. He gave an historical detail of the conduct of Russia, with a view to accelerate this her great object, from the time that Peter the Great ascended the throne to the present period. He particularly adverted to the treaty between Russia and the Porte in 1736, when Great Britain and Holland united in an interference, and when France left it to them to take care of the interest of the maritime powers of Europe. After a detail of the conduct pursued by great Britain and Holland in 1736, and a statement of its effect, he said, however it might be denied out of doors, he trusted it would be admitted to him by every man within those walls, that this country had an interest in the concerns of the continent, and most materially in the conduct of Russia. He then stated, that it was to the favour of this country that Russia owed the weight she possessed as a maritime power in the scale of Europe; that we had repeatedly assisted her in her object, and that in the last war, when this country stood in a situation too universally felt to require his going over the painful repetition of it, Great Britain had flattered herself that she might then successfully call upon the gratitude of Russia, and advantage herself of that marine which had become formidable under her

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auspices. How Russia at that time conducted herself was well known, and would not soon be forgotten. To maintain that it was of no consequence to this country, whether Russia was permitted to drive the Turks out of Europe, and make herself formidable in the Mediterranean, as a maritime power, was to maintain that it was of no consequence to Europe, whether Louis 14th had been suffered to possess himself of the kingdoms of Spain and Portugal, when that ambitious monarch aimed at that great object. On the late occasion, ministers thought it their duty to interfere between the Porte and Russia, and in order to give weight to their negociation, to arm in its support. But when they found, in consequence of difficulties thrown in their way, both here and at Petersburgh, that their object was not likely to be attained, and most of all when they learnt that the people of this country were disinclined to go to war with Russia, they changed their opinions, and endeavoured to obtain peace for the Porte on the best terms that they could procure by every means short of going to war. In a government constituted as that of this country was, he held it to be the indispensable duty of the executive power to build its measures on the opinion of the people. On that opinion ministers had acted, and he trusted no one would impute blame to them for having forborne to engage the country in a war, to which the nation had clearly shown they were adverse. If he were asked, whether ministers thought Oczakow an object of no importance he should answer, that they all along thought it an object of great importance, both to Russia and the Porte, to the latter as an object of defence, to Russia as an object of offence; but, then, the importance of every object must be measured by the extent of the exertions, and the expense necessary to ensure it. So in measuring this expense, and learning that the sense of the people was against a war, ministers without thinking less than they all along had thought of Oczakow, had changed their conduct respecting it. The system to be pursued for this country at present, undoubtedly was a system of peace, a system proved to be the best mode, and acknowledged to be so by other powers. To that system ministers were determined uniformly to adhere, and its continuance depended greatly on the general tranquillity of Europe. With regard to the papers withheld, they contained matter improper for general communication. He admitted the right of parliament to call for papers: nay, he would not deny, that there might exist an extreme case, when an occasion might present itself sufficiently strong to warrant parliament in calling for all papers of every description, without regard to the inconvenience of publishing state secrets: but he could not consider the present as one of those cases or occasions. Hints had been suggested, that ministers, to save their own honour, had tarnished the honour of their country. The honour of ministers and the interest of the country might sometimes be in opposition to each other; if ever such a case should occur, in his opinion, those ministers, who did not, at the hazard of all that was personally interesting to themselves, act for the honour and interests of their country, deserved the most exemplary punishment. He could not readily conceive that the honour of any minister could be separate from the honour of his country. Sure he was, that the latter ought to be the sole object of every minister, and should ever be his. As long as he should have the honour of continuing in office, he should hold himself responsible to that House, and to his country, for every measure of government, and should be ever ready to stand up and avow the principles on which such measures should be taken. With regard to the motion, as the House had so lately given an opinion on the subject, he trusted that the majority of their lordships would concur with him in giving it their negative.

The Earl of *Darnley* said, he concurred in the motion, because ministers had not obtained their object by the armament. They had declared they had called upon the country to arm, in order to prevent Russia from aggrandizing herself at the expense of the Porte, their armament had not prevented Russia from doing all that she either intended or desired, and therefore they merited censure for having put the country to a needless expense.

Lord *Loughborough* said, he had heard the debate of Monday last with great satisfaction, because he then learnt that the arguments of his noble friends last session had made a due impression on the minds of his majesty's ministers, and that by the influence of those arguments, they had been induced to abandon their object, and to avoid involving the country in an expensive, unjust, and unnecessary war. It was a circumstance highly honourable to

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his noble friends, that ministers had given way to arguments which they had in the first instance resisted with some degree of obstinacy. He had likewise heard from the noble secretary of state in his speech of the present day, what had given him great pleasure, namely, that they were determined to pursue a system of peace. It was a wise and a proper determination. But there were parts in the noble lords speech, which he had not heard with the same degree of satisfaction, and those were the parts in which he had dwelt on the ambitious views of Russia, and talked of her ungrateful conduct towards this country during the late war. Such language did not meet his ear as quite so conciliatory and pacific as the occasion seemed to require: because, after a negociation was amicably concluded, and there was an end of its object, it was not sound policy to treat the party with whom the negociation was held with harsh epithets, or grating reflections. With regard to the negociation itself, he was glad it was amicably terminated, but it now became a question, how far the arming this country was necessary, and what good end it had answered? He fully admitted that this country had an interest in the affairs of the continent, and in the conduct of Russia towards the Porte; but, had any object of importance been obtained in consequence of the armament? He said, it was impolitic to drum to arms, and be afraid to strike a blow. An armament, and the intention to use it, in his opinion, ought never to be disjointed. To take so strong a measure as to arm a country without an intention to bring that force into action, was always weak, unwise, mean, impolitic, and disgraceful. It appeared that ministers never meant to make use of the late armament; that they had abandoned their object before the armament was nearly completed, and yet that they continued to arm, and kept up the armament at a great expense to the country. He complained that ministers had not furnished the House with full information, to enable them to judge how far their conduct deserved praise or censure. Ministers were the servants of the public, and accountable to the country for their conduct. The papers on the table implied ground of censure upon ministers, but the noble lord had travelled out of the papers and referred to others not before the House. The empress had been willing, fourteen months before the armament was set on foot, to do all that she had done now; and when ministers changed their opinions as to Oczakow, why did they not drop their armament, and not continue to distress the commercial marine, by the fears of that necessary means of manning our navy in case of war, a press warrant, hanging, over the head of every seaman in the merchant's service? He maintained that from the papers on the table, and from all that the House knew of the grounds on which ministers had acted, the motion was exactly that which the conduct of ministers required.

The *Lord Chancellor* said, that the motion resolved itself into two questions: was it wise in ministers to put the country to the expense of an armament, and did they act justly in keeping up that armament, till the treaty was concluded? He agreed with the noble lord, who had well said, that after a negociation was amicably terminated, to goad and provoke expressions relative to the power with whom we had negociated, was rash and impolitic. He deprecated the idea of letting such arguments go out of that House, the great council of the nation, as that this country had no interest in the affairs of the continent, or in the conduct of Russia towards the Porte. He asked, if such arguments were fit to pass upon the world as the opinions of statesmen, the least conversant in the history of Europe? He spoke of the conduct of France for a long period of years towards the Porte, in terms of great censure, declaring, that of all the low policies that had disgraced the cabinet of that kingdom at any age, the treachery and insincerity practised against the Turks, from the reign of Francis the 1st, exceeded all that ever grew out of the miserable intrigues of a court. He spoke of the advantages in a commercial point of view, that France had derived from her connexion with and influence over, the Ottoman cabinet, and the sort of conduct that she had held in return. He hoped that this country would pursue an opposite line, and act on every occasion with honour and justice towards the Porte. With regard to keeping up the armament, his lordship said, that possibly had we not done so, the gentlemen entrusted with the negociation would not have been able to obtain the terms they did obtain, and to counteract the difficulties thrown in their way by the cross negociation carrying on at Petersburgh. It was to be recollected, that the

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armament was formed, and that though the expense of instituting an armament was great, yet the expense of keeping up an armament, compared to the expense of its institution, was inconsiderable. Had we dropped the armament, and the empress had been encouraged to insist on higher terms, we must have been at the expense of instituting a new one. Could we with any sort of prudence drop our armament, before we knew whether the king of Prussia would disarm or not? Having determined to procure a peace for the Porte, the sooner that peace was concluded the better for all parties, and surely our negociation with an armament was more likely to accelerate the peace than not. Had the war continued, the empress might have expended double the number of millions of rubles, that the war had cost her, and then there would have been a new account opened, a new sum added, and additional demands would have been made, which would have increased the difficulty of accommodation. Upon a due consideration of all the circumstances, he was clearly of opinion, that in consequence of our having kept up the armament, we were in a better situation in respect to the negociation, than we should otherwise have been at present.

Viscount *Stormont* said, the topics selected as the grounds of defence for the conduct of ministers, were rather calculated to support the line pursued by the noble duke (Leeds), who approved the principle of the armament and resigned his official situation when the principle was abandoned, than that of his former colleagues. The change of opinion on which they acted must have taken place before the resignation of the noble duke, and a reference to dates would show, that the fact of an armament being undertaken, could not then be known by many parts of the country, and consequently that ministers had not abandoned their system, in deference to public opinion. The change, it was clear, must have taken place before the public opinion could be formed, or at least before it could be known. It was equally unfounded that the public opinion, when formed and expressed, was adverse only to the employment of the armament. It was adverse to the equipment of an armament, because no adequate cause for it could be shown. It was one of the charges against ambition, that it regarded not by what effusion of human blood any favourite object was obtained. The charge on the present occasion was applicable to ministers, for their interference had prolonged, if not aggravated, the effusion of human blood. The Turks, in whose behalf we had interfered, were charged by Russia with being the aggressors in the war. The charge had never been abandoned, and as far as appeared by the papers, was proved, and at last admitted. The Turks, it was said, were to be pitied. He pitied them most sincerely—pitied them as deluded by hopes of aid that could not be realized, by promises of mediation which served only to increase their losses. A learned lord had alluded to the mockery of friendship with which the Turks had been treated by France, and the policy of any other power, endeavouring to merit by substantial services the commercial advantages which France had obtained by unsubstantial professions. They had found, it was to be feared, on the late occasion, that they had only exchanged the mockery of French friendship for the grave, but equally unsubstantial, professions of the British cabinet. Russia had not risen in her demands, either on the prospect of our being embroiled with Spain, or on the more certain ground of her own successes; and she had not yielded a single point to the terror of our armament. It was therefore unnecessary in the first instance, and useless in the second. If the terms she obtained were such as she ought to have obtained, why not propose them without an armament? The free navigation of the Dniester, the sole fruit of our armament, depended on the Porte engaging to protect it as well as Russia, and there was reason to believe that the Porte would not consent to that stipulation, so that Russia would be absolved from her engagement, and not a trace of our negociation remain but the folly and the expense. On these grounds he should vote for the motion.

Lord *Hawkesbury* said, that the question was reduced to the single point of the policy or impolicy of dismissing the armament, before the negociation which occasioned it, was closed. It was clear, that the terms proposed by Russia, in the first instance, were higher than those of which she accepted, and that she did not begin to recede till the negociation at Reichenbach was so far advanced, as to show that she must soon be deprived of her ally. If, therefore, we had dismissed

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our armament before the negociation was closed, it was to be apprehended, that, elated with success, she might have returned to the terms from which she had receded. It was, besides, to be considered, that we had armed in concert with our allies; and surely it would not be contended that we could disarm but in concert, or leave Prussia to be attacked on the confidence that our aid was effectually withdrawn. He admitted that public opinion was against a war with Russia; that the people of this country not understanding the value of Oczakow and its district, were averse to a war, of which that was the ostensible object; but it would hardly be contended, that because ministers resolved not to hazard a war against the sense of the country, they were therefore to abandon every part of the system which they had adopted on good and sufficient grounds, and which they still thought of importance to the political and commercial interests of the nation.

Earl *Stanhope* said, it was necessary that he should state the reasons for his vote that night. He had been one of those, who had opposed the war with Russia last session, because, with the majority of the people of this country, he thought it was neither in justice, policy, nor necessity. But because he had opposed the war on those principles, it did not follow that he should vote for the present motion. Most certainly he should not, because he was glad to find that ministers had yielded up their own individual opinions in compliment to the opinions of the people of England. He thought, so far from deserving censure for this, that all who had opposed the war, because they considered it to be unwise, unjust, impolitic, and unnecessary, were bound to thank ministers for not having gone to war, and for having suffered themselves to be influenced by the opinions of the people. Instead of blame, ministers deserved the highest approbation for attending to the opinions of the people. He said, he hoped he should hear no more such doctrines as that the opinions of the people could only be collected in parliament. He well knew that the opinions of the people might be taken out of doors individually, they might be taken out of doors collectively. He was not one of those who held the mad and detestable doctrines of some wild enthusiasts, who were for pulling down the constitution of the country and building it up anew. It had lasted for ages, and he hoped it would continue to last for ages. It was not, perhaps, so entirely perfect as the mind of man could make it; but it was all that reasonable beings could expect or desire, and he trusted that it would be held sacred. Let them have what petty differences they might among themselves, he hoped that there was not a man in the country who would not unite boldly and manfully to support the constitution. It was clearly the object of universal envy. Those who had felt it necessary to frame new constitutions for their country, had studiously imitated the British constitution. All that was excellent in their constitution, all that tended to give freedom, happiness, and security to the subjects in France, had been imitated from our constitution. They had copied their declaration of rights from our bill of rights, they had copied our Habeas Corpus act, they had copied our trial by jury, and they had copied our freedom of the press. In short, all that was excellent in their constitution, was imitated from ours. France, he had the happiness to know, had for a long time past felt a growing attachment to this country; and the name of an Englishman was become popular throughout that kingdom. It was the undoubted policy of this country to cultivate the friendship of France. United with her, we could preserve the balance of Europe, and awe the neighbouring states from projects of aggrandizement and ambition. Great Britain and France had too long considered themselves as natural enemies, and preyed upon each other; true policy pointed to a very different system, a system that he hoped would be steadily adhered to. He was glad to hear what had fallen from his noble relation (Lord Grenville), and he hoped he had understood him correctly, when he understood him to say that ministers were determined to make pacific measures their uniform object. It was on a continuance of peace, and that only, that the increasing prosperity of this country depended. It was our interest to preserve external peace, and to avoid internal commotion; and he hoped ministers would at all times vigilantly watch a neighbouring kingdom, and prevent any European power from obtaining an undue influence over her. He spoke his sentiments as an independent man,

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under the banner of no party, and thought ministers rather merited praise and thanks for their conduct, than reproach and censure.

The House then divided:—Contents 19; Proxies 0; 19.—Not Contents 82; Proxies 16; 98.—Majority 79.

Debate on Mr. Whitbread's Motion respecting the Armament against Russia.] Feb. 29. Mr. *Whitbread* having first moved, "That this House will immediately resolve itself into a committee of the whole House, to take into consideration the several Papers * which have been presented to this House, by his majesty's command, relating to the negociations that were holden on the subject of the war between Russia and the Ottoman Porte," and that motion, upon the opposition of the chancellor of the exchequer, being withdrawn, began by saying, that it was with sensations of great diffidence and anxiety he rose to the performance of the important task he had undertaken. In the execution of it he hoped for the patience and indulgence of the House. Had ingenuity been requisite to invent, or eloquence to enforce, the arguments which might be adduced at the opening of the business then before the House, he had not stood in the situation in which he then did, but as the facts, from authority before the House, were notorious, and as the inferences from those facts were deducible by the plainest understanding, he had come forward with zeal and alacrity upon the occasion: a zeal and alacrity inspired by a sense of the duty he owed to his constituents, by the sincere conviction which he felt, that in the transaction then under discussion, his majesty's ministers had offered violence to the dignity, reputation, and interests of this country. In the course of what he should have the honour to offer, in support of the resolutions he should submit to the consideration of the House, he should abstain from all exaggerated praises of the constitution. Feeling as he did a sincere reverence and affection for the constitution under which he lived, determined as he was to act up to its principles and its purity, to descant upon the beauties of its theory, upon all occasions to dwell upon its various excellencies, was in his mind, unnecessary. If they all united in restoring and giving energy to its functions: if they united in maintaining their own rights and privileges, in which were comprehended the rights and freedom and prosperity of their constituents; in guarding them against the encroachments of craft and of power, in cleansing them from all adventitious pollutions, compliment and adulation would be unnecessary. It was possible to flatter and to betray; but a series of conduct tending to one point, uniform in its constitutional means to attain constitutional ends, could not be mistaken, and needed neither flattery to gloss, nor commentary to explain it. He trusted that gentlemen would that night evince to the world, that they loved the constitution they so lavishly commended: that if he, and those far abler than him, with whom he had the honour to think and to act, should prove, from the evidence upon the table, that ministers had misconducted themselves; they would not shrink from the painful and necessary part of their duty, that of inflicting censure where, in his conscience, he believed censure was most indisputably due. If he was not able to prove the assertions he had made, he at least trusted that the resolutions he should offer would not be got rid of by any side blow, by any motion for the previous question, that he and his friends should be met face to face upon the subject; that gentlemen would not throw away the last remnant that was left of the boasted privileges of parliament, namely, the power of calling ministers to account for their conduct; that they would not demolish that last rampart, under the mask of which almost all the other fortresses of the constitution had been destroyed. In giving his attention to the papers then upon the table, as a representative of the people, he had been indignant in observing the absurd and ridiculous purpose for which the money of his constituents had been extorted from them; as an Englishman he had blushed for the state of degradation to which ministers had reduced the British name. But he had singular satisfaction in recollecting, that he was one, though of the humblest individuals of that respectable minority, whose voice was confessed to have been in unison with the voice of the people! whose activity and exertion prevented the conversion of a causeless, absurd, and expensive armament, into a still more causeless, absurd, and destructive war. It would be a circumstance recorded, and

* For copies of the said Papers, see Commons' Journals, Vol. 47, pp. 29, 387.

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worth recording, to all posterity, that a firm and constitutional opposition did, by their patriotic efforts, arrest the progress of a minister in the zenith of his popularity and supported by a large and confiding majority of the House of Commons, towards involving his country in a fruitless war, from which she might not have escaped without national bankruptcy, and from which she could not have escaped without very pressing national calamity and distress. He was convinced that the commercial interests of Great Britain were so well understood by every person who heard him, that he would not detain the House by expatiating upon the advantages that were derived from our commercial intercourse with Russia, which were of a nature, not to render any slight ground of quarrel with that country justifiable. He did not imagine that any politician would contend that, because the immediate balance of trade between the two countries appeared to be in favour of Russia, therefore we derived no advantage from that trade. If there were, however, any person who maintained such doctrines, he would refer him to a book that had been lately so ably quoted by the chancellor of the exchequer, Smith's Wealth of nations. In the deep researches of that great political philosopher, he would find his short-sighted opinions amply discussed, and amply refuted. By our trade with Russia we gained an extensive and wholesome nursery for our mariners; from thence we procured (every consideration had), at the most advantageous rate, those stores which form the existence of our navy: from thence we procured those gross commodities, which, after employing an immense quantity of productive labour at home, re-produced and exported again, returned the capital originally laid out upon them an hundred fold.—Neither did he imagine that the doctrine which had been insinuated, but not avowed, last year, would now be revived: namely, that Russia had formerly done us disservices, particularly in the instance of the armed neutrality; and that this had been a good opportunity of revenge. It must be remembered, that Prussia was the contriver of the armed neutrality; it would therefore have been but fair to have punished Prussia, the principal, before we proceeded to vengeance upon Russia, the accomplice. He was aware, that these grounds were in themselves not tenable, nor avowed: but such insinuations having gone forth, he had thought proper briefly to touch upon them. In the debates that had taken place the preceding year, on the subject of the Russian armament, ministers had so prudently involved themselves in political obscurity, that no clue was given by which could be discovered, either the causes of the war itself, or of our interference, or of the ends we purposed attaining. Gentlemen in opposition were told that they had no authority to argue upon, and that their speculations it was not worth while to answer. Now, however, it did appear, from the documents upon the table, that the original cause of the war, was a desire on the part of the Turks to rescue the Crimea, and the countries adjacent, from the dominion of Russia. It was well known that the total sovereignty of the Crimea was ceded to Russia by the Porte, by treaty in 1784. It was therefore a war of injustice and aggression, on the part of the Porte; of defence and justice, on the part of Russia. It was stated by count Osterman, in his letter to Mr. Whitworth and count Goltze, dated June 6, 1791, that the "Courts of London and Berlin at the time avowed that Russia had been unjustly attacked." That statement remaining uncontradicted, he should take it for granted it was true. An opinion had prevailed in Europe, and it had been suggested in that House, and as far as his knowledge went, the suggestion had not been refuted, that Great Britain had stimulated the Turks to this war of injustice. If that was a calumny, let it be speedily contradicted, and by such authority as would give the contradiction weight; let that foul stain be washed from us, and from our nation. If it be true, detested by all good men be that wretched policy which can risk the sacrifice of the lives of thousands and the happiness of millions of our species to attain its own short-sighted ends!

From the first paper on the table, dated in December 1789, it appeared that the empress then requested the interference of Great Britain, to bring about a pacification, upon certain terms, which were, that she should extend her frontier to the Dniester, and that the provinces of Moldavia, Bessarabia, and Wallachia, should be created into an independent principality, under a christian prince. The court of St. James's, in answer, declare the impossibility of attempting to mediate upon those terms; and as the empress immedi-

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ately after entirely abandoned them herself, he should put the consideration of them wholly out of the question. He trusted, for the sake of ministerial consistency, that these claims of Russia had been considered upon maps of a confined scale; for in casting our eyes over too wide a description of the globe, we should find that the acquisition of territory, and extermination of princes, which was considered as inordinate ambition and dangerous aggrandizement in Europe, in Asia was no more than sound policy, the plan of British ministers, supported by British arms. However, in May 1790, the empress came forward with terms, upon which she declared herself willing to make peace, and upon which peace was actually concluded in December 1791. Her propositions are, that all her former treaties should be renewed and rendered valid, and that she should be put in possession of Oczakow, and the whole territory, from the Bog to the Dniester; the last river to serve as a boundary to the two empires. To these terms our uniform answer was, that no consideration would be paid to any terms not resting upon the basis of the *status quo*. He said, there were some propositions so self-evident, that to attempt their elaborate proof, was only to detract from the original truth and clearness in which they appeared. Of that kind he took to be the proposition which asserted, that no arrangement respecting Oczakow and its district, could in any way affect the political or commercial interests of Great Britain. If there was a spot in Europe, to which no ramification of the British commerce extended; if there were seas upon the face of the globe, on which no British merchantmen sailed; that spot, and the seas adjoining to it, respecting which we had negociated, and for which we had armed, were precisely in that situation. We exported nothing thither, we imported nothing from thence. But he would rest the truth of the proposition on this single ground, which he was sure would not fail him, viz. that no British merchant (alive as that respectable body of people always were, and always ought to be, to their own interests), should be able, solely from the operation it would have upon the commerce of this country, to discover, in any given time, whether Oczakow had been ceded to the empress, or remained in the hands of the Turks. Prussia, our ally, he took to be as little interested in a commercial point of view as we could be; excepting only one case, which however could not be avowed. This was, that some secret negociation had taken place, and that the king of Prussia wished to stipulate with the empress, that if she would suffer him to take possession of Thorn and Dantzic, he would not object to her taking Oczakow and its district. In this light it would certainly be most material to the commercial interests of Prussia; but this, he repeated, could not be avowed. To either country it was immaterial, in a political point of view, excepting as it might affect the balance of Europe: which could only be in one of two ways, either that, when in possession of the Porte, it gave to the Turks a more secure frontier against the inroads of Russia, or that in possession of the empress, it would afford that princess easier means of prosecuting those plans of inordinate ambition which were attributed to her. Historical experience proved to us, that in neither of these cases was it at all material. When marshal Romanzow dictated the disgraceful peace of Kainardgi in 1774, he had been foiled before Oczakow, and that fortress was in the hands of the Turks. When the peace was signed by the empress, upon those terms which he should always contend to be moderate and equitable terms, in December 1791, she had been in possession of Oczakow three years. These arguments, said Mr. Whitbread, are, I think, sufficient to prove the assertion I have made; but we are all aware, that such is the force of custom, such the fascination of habit, upon the minds of men; such their subjugation to the opinions of those to whose judgments they are used to look up, that authority has often produced that conviction, of which the clearest demonstration had failed; and I am happy, on this occasion, in being able to adduce, in support of my opinions, the authority of one whose influence is greatest in this House; I mean the authority of the right hon. gentleman over against me himself. If by the balance of Europe any thing is meant, if they are not mere chimerical sounds, without the attachment of any specific idea to them, this must be understood, viz. so nice an equipoize of the interests of the different powers, that no one shall be in danger from the other; and thus the permanent tranquillity of Europe be established. But since Oczakow has been in the power of Russia, we have

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been told, from the mouth of his majesty, "that the friendly assurances he receives from foreign powers, and the general state of affairs in Europe, appears to promise to his subjects the continuance of their present tranquillity. Under these circumstances he is induced to think, that some immediate reduction may be safely made in our military and naval establishments."

The right hon. gentleman has himself, in his place, declared, that he expects our tranquillity to be permanent. He has acted upon that principle; he has supported his declarations by his deeds; and notwithstanding an arrangement has taken place, which he contended would destroy the balance of power, he has advised his majesty to diminish his establishments, and to part with a portion of the revenue. Of his two opinions I will choose that upon which he acted; and I contend that I have his unequivocal authority for asserting, that the interests of this country were in no degree involved in any arrangement that could have taken place respecting Oczakow and its district. Sir, I will press the matter no farther; but I do trust that the right hon. gentleman has himself now sounded an alarm upon the doctrine of confidence, which will penetrate the ears of the most dull and lethargic, of those who have slumbered and slept upon that post, which ought to be occupied with vigilance, jealousy, and attention. Let us consider the situation in which the confiding friends of the minister are placed. Last year they yielded him the public purse, which he employed for an object, in the attainment of which the interests of this country were said to be deeply involved: he fails in his pursuit; and now he comes forward and tells them, that notwithstanding this failure, we are in the most prosperous situation, with every prospect of tranquillity before us. How can they account to their constituents for having suffered their money to be lavished for an object of no value? Sir, I hope that having been betrayed by a confidence in that wayward policy, which is "every thing by turns, and nothing long," which sees every thing through the medium of its own immediate interest, and now places the fate of the empire on the fate of a petty fortress, and a distant desert, and now declares their insignificance in the most pointed terms; that they will learn from practice and experience, what the most powerful eloquence and convincing argument have been unable to teach them, that the doctrine of confidence, which they have contended to be constitutional, cannot assimilate with any one principle of the constitution.

He should proceed to prove, that this absurd object, for which we had negociated and for which we had armed, for which ministers had thought necessary to force the nation to so great an exertion, had been entirely abandoned, and that without any assigned reason. It was remarkable, that in the very first memorial, which was presented after the king's message of last year, by Mr. Whitworth and count Goltze, we begin to talk of a modification of the *status quo*, according to the suggestion of respectable powers. It was to be observed that the Danish memorial, which he supposed must be here alluded to, was dated on the 8th of March, and that as the king's message did not come down to the House till the 28th of March, it was more than probable that memorial had reached the court of London in less than twenty days; but no abatement of the strict *status quo* is talked of till after we had the arms in our hands to enforce the terms we had proposed. What was to be inferred from this, but that we expected to find in Russia that dastardly spirit with which we knew ourselves to be actuated; that we expected to find the empress a mere bully, to be terrified into compliance by the first show of resistance and force. Still, however, there was something of the gigantic in the conduct of ministers, an appearance of menace and greatness; but as they had stalked into this business giants, we should find them slink out the merest pigmies that ever disgraced a political theatre.—Now came the humiliation of Great Britain, now came that disgraceful memorial, which at once was to concede all that we had negociated, threatened, and armed to maintain. He hoped the House would excuse him if he dwelt a little upon this memorial, dated June 29, 1791, signed by Messrs. Whitworth, Fawkener, and count Goltze. It was of a nature so extraordinary as to demand serious attention. He had not, he said, been thrown into situations where he might become acquainted with the general style of diplomatic negociation, and from his ignorance, perhaps, might arise the surprise he felt at one of the opening paragraphs of the memorial then before him. Was the intercourse between one nation and another so wholly different from that which took place in

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transactions of importance between man and man, that probity, candour, fairness, and inviolable regard to truth, which ought to be the leading features, and were the wisest policy in the one, should be entirely banished from the other, and insincerity, cunning, and a disregard for all principle, be substituted in their stead; or was it meant as a satire upon this curious negociation only, that it was said by the memorialists, "the calmness they thus show, and their candour, which is so different from the ordinary course of negociation, will be considered as an indubitable proof of the sincere and disinterested desire of the kings their masters to make their friendly intervention conduce to the speedy re-establishment of a peace?" Was it necessary to send out envoy extraordinary upon envoy extraordinary to declare that you were going to tell the truth; to say, all that we had been talking of for twelve months past was folly and nonsense; we meant nothing by it: we were now come to tell what our real intentions were? Had our dealings with the court of Petersburgh been so crooked that it was necessary to specify that you were about to be candid and honest?—The negociators then proceeded to state three proposals, beyond the last of which they declare it impossible for them to offer any thing to the Turks. The first proposal was, that the district of Oczakow, from the Bog to the Dniester, should be declared neutral, and to be inhabited by the subjects of neither power; the second proposal was, that Oczakow and its immediate district should be ceded to the empress, reserving, however, to the Turks a line of demarcation on the eastern side of the Dniester, such, for instance, as the lake Telegot, "for the allied courts do not think they shall be able to engage the Porte to conclude a peace on the condition of leaving Oczakow fortified in the hands of Russia, unless this sacrifice, so dangerous for her, should be compensated by the security of the two banks of the Dniester." Here he believed the Dniester was mentioned for the first time, as the object upon which every thing rested; but now it seemed as if the free navigation of the Dniester was the only thing we had very seriously set our thoughts upon. The third proposal was, that Oczakow and its district should be yielded in sovereignty to Russia, but that the fortress itself should be demolished, and no other fortifications raised. It was curious to observe the conclusion of this disgraceful memorial: the negociators said, "her majesty's lively solicitude for the repose of Europe, her love towards her people, her desire to restore peace to them, and to prevent the further effusion of human blood, afford the surest confidence to the undersigned, that this important decision will be speedily signified to them, and that it will be favourable; more especially as complying with every thing her imperial majesty has appeared to desire. they ask from her goodness and generosity only some slight modifications." That princess, whose inordinate ambition had been represented as endangering the tranquillity of Europe, who, regardless of the distress and miseries of her subjects, was willing to attain her object by wading through their blood, was now converted into a sovereign, possessing every virtue which could adorn or dignify a throne, and our ministers were reduced to ask, as suppliants, from the "goodness and generosity" of that power, whose destructive progress we had armed to impede, "some slight modifications of those terms" which we had invariably declared we could, upon no consideration, give ear to. And what was this slight modification to effect? Was it to procure any advantage to the Turks? It was strange that such had been the supineness of the Porte in circumstances where we conceived their interests to be most materially involved, that the navigation of the Dniester was not taken the smallest notice of in the treaty of peace which was signed at Galacz in December 1791. He believed that what he stated upon this subject was authentic; if it was not, it would be contradicted; and, in truth, he could not but express his surprise that the grand vizier and his colleagues should have treated the right hon. gentleman and his colleagues so cavalierly that they had no authentic copy of the treaty of peace to lay upon the table. The empress's answer to this memorial maintained the same steadiness and firmness of mind which had been the leading feature of her conduct from the commencement of the negociation. Count Osterman said, in her name, that the last was the only proposal which the court of Petersburgh could take into consideration; and upon that it was observed, that the demolition of the fortifications of Oczakow was incompatible with the ideas that were entertained of total sovereignty, and therefore she could not listen to such

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a condition; but added, that "so far from having any intention of disturbing the navigation of the Dniester, it had been the invariable plan of her reign to protect the commerce of friendly and neutral nations." She might well have said, Why did you not tell me all this fourteen months ago? Let us for a moment consider the situation of our unfortunate allies whilst we were negociating in their behalf. Was there an awful suspense, such as might be expected, whilst so great a nation as Great Britain was mediating, and was armed to enforce her mediation? Was the sword for a single instant withheld, or the victorious progress of the empress stopped? No. The profusion of Turkish blood that was shed, the repeated defeats of our miserable allies, would testify to the contrary. The ears of our ministers were constantly insulted by the Te Deums that were chaunted for victories gained over an enemy, for whom we had negociated, for whom we had armed, for whom we were at last reduced to petition. Count Osterman's answer was concluded by expressing a doubt whether we had any authority from the Turk to mediate in his behalf at all. He believed the fact was, that we had no authority, and that the preliminaries were signed without our concurrence or advice. To what a degraded state was this glorious country reduced? To that detested and abandoned situation of misery and despair where no friend was found to acknowledge our friendship, no foe that dreaded our enmity. The answer of the three ministers to this memorial of count Osterman's stated, that as her imperial majesty had given her word that she would not disturb the navigation of the Dniester, they totally receded from all their former stipulations, that she might now possess Oczakow and its district in total sovereignty, do what she pleased with its fortifications, and if the Turks did not make peace upon those very terms which we had declared we could not venture to offer to them, we would abandon them to the course of events; to the vengeance of an ambitious, insulted, and victorious enemy.

He thought he need not detain the House much longer to prove that the object for which we had negociated and armed, such as it was, had been entirely abandoned; and he concluded that the House would not disagree with him in pronouncing that his majesty's ministers had throughout this affair grossly misconducted themselves. But an aggravation of this misconduct still remained behind. For it could be proved that they had continued the armament after having determined entirely to relinquish the object for which it had been made. He contended, that from the moment Mr. Fawkener went out we ought to have disarmed, because at that moment we had resolved upon unconditional submission to the empress's terms. To this it might be answered, that the empress, upon our disarmament might have increased her demands. Was it probable that that princess, who had adhered from the beginning to one steady line of conduct, who had never varied her language, whether we mediated, threatened, or intreated, would, at this juncture, have departed from conditions, not that we had imposed, not that she was brought into by coercion, but which she herself had offered during the course of more than twelve months? It was not probable that she would; but it might be answered, it was possible. How, then, did we disarm at last? At that period, what security had we that she would perform what she had agreed to? To use the words of the memorial, "Her imperial majesty's word; that most certain pledge of the engagements she contracts:" that imperial word which two months before was not to be taken, is now a sufficient ground for us to disband our armament. Press-warrants were actually recalled on the 29th of July, and the preliminaries were not signed till August 11, 1791. The money of the subjects had been taken from them; they had been deprived of their liberty, that ministers might a little conceal the disgrace they were conscious awaited them. There was a source of domestic misery arising from the capricious system of arming and disarming, of manning and unmanning our navy, which he imagined must come home to the feelings of every man who heard him; he meant the wanton abuse of the unconstitutional power which was vested in the executive government, of pressing for the sea service. Here he begged to be understood as by no means intending to assert, that it was a power which, upon great emergencies, could be dispensed with; he feared it could not; but it was a stretch of authority which no slight cause could justify. By the frequency of armament which had lately taken place, the industrious poor had been torn from

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those situations of comfort and honesty which they occupied, to their own benefit and that of their country: dragged to our ports, and violently forced into situations from which they had no means of escape. If the safety of the empire required it, the evil, though great, must be tolerated; but in the instances before us, no state necessity required such a sacrifice; and these unhappy persons were in a short time vomited up again, not the wholesome food that had been taken in, but a mass of profligacy, disorder, and want.

Before he sat down, he should touch upon two topics which had been insinuated, by way of palliation of that conduct, for which no open defence could be attempted. It had been much the fashion without doors, copied no doubt from the practice so successfully carried on within, to divert the public attention from the transaction then under discussion, by a reference to the flourishing state of our finances. It had been attempted to throw the gaudy veil of national wealth, and commercial prosperity, over the mutilated monument of political arrogance and political imbecility, then before them. It had been said, nothing but faction can find fault with a minister, who has raised the finances of the country to the pitch at which they now stood. Three per cents, at 96, is a complete refutation of every argument you can bring against his political conduct. Here we feel the pulse of the nation, and whilst that continues to beat high and firm, we will not believe that any thing is amiss. The pulse he said, was a good, though not an infallible, criterion of the health of the frame. In the political, as well as the human body, artifice or incentive might accelerate the circulation; and the paroxysm once over, the patient would return to a more hopeless state of languor and debility than that from which he had been roused. That accident, certainly not of the contrivance, and as certainly beyond the control of the right hon. gentleman, that artifice, probably of his contrivance, but for the future effects of which he could by no means answer, had contributed to the present high state of the funds, must be apparent to the commonest observer; but he lamented that the great extension of the national debt had, among others, produced this alarming evil; that it had converted us into such a nation of stock-jobbers, that with our eyes fixed upon the fluctuation of the money-market, we could suffer the honour of the country, our dearest rights and privileges, to moulder away without observation or regret. It had been also said, that the magnanimity of the right hon. gentleman, in yielding his opinion to that of the people, ought to protect him from any censure. Great magnanimity was displayed, when an individual, of splendid talents, departed from an opinion he might have formed from a conviction that that opinion was founded in error. The strength and energy of the human mind never appeared in more glowing colours, than in such a triumph of reason over passion. Great magnanimity was displayed, when an individual of exalted rank, high in the councils of his sovereign, having, in concert with his colleagues, adopted some plan which he conceived highly beneficial to his country, but thwarted in the execution of his project, true to his principles, and regardless of the emoluments of office or the fascination of power, departs from a situation he can no longer fill with honour to himself, or as he conceives, advantage to his country: and, to the honour of our time it might be said, that such instances would not be wanting to the history of the present day. But he avowed his surprise, that the right hon. gentleman should have submitted to the mortification he confessed to have felt, at having been obliged to relinquish his opinion to the opinion of the people, and to the complexion of the times. Thinking, as he did, the interests of this country materially involved in the prosecution of the plan he had formed; so materially, as to call for that exertion to which he had forced the country, to support it; he ought rather to have yielded his situation, or even his life, than his opinion. In departing from it, unconvinced, he had departed from the noble character so ably quoted by his right hon. friend on a former night, and from which he was certain he would never swerve—"Justi et tenacis propositi viri." He had given ear to the voice of the multitude, as he thought, "prava jubentium." He had made a comparison between his opinion and his place, and had elected the latter and the worse. He had sacrificed to a momentary popularity, the conviction of his own mind; to his love of power, the approbation of his own understanding.—Mr. Whitbread read his

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three Resolutions, viz. 1 "That no arrangement, respecting Oczakow and its district, appears to have been capable of effecting the political or commercial interests of this country, so as to justify any hostile interference on the part of Great Britain, between Russia and the Porte.—2. That the interference of Great Britain, for the purpose of preventing the cession of the said fortress, and its district, to the empress of Russia, has been wholly unsuccessful.—3. That his majesty's ministers, in endeavouring, by means of an armed force, to compel the empress of Russia to abandon her claim to Oczakow, and its district, and in continuing an armament after the object for which it was prepared had been relinquished, have been guilty of gross misconduct, tending to incur unnecessary expenses, and to diminish the influence of the British nation in Europe."

The first resolution being put,

Colonel *Macleod* seconded the motion. The conduct of the right hon. gentleman in the negociation with Russia, and in some other transactions had induced him totally to withdraw that confidence, which he had before so freely given. It had been said, that though the minister prepared for a war, he had not intended to commence it. To such an argument, few persons would choose to be indebted. If it was applicable, it told the disgraceful fact that the minister had induced the nation to draw its sword, at the very time that he had determined not to use it. If, however, the minister had credit for the intention of going to war, he must have been either ignorant of the general wish of the people, or determined to oppose it. He must have opposed, also, his own speeches in that House, stating both the necessity and the probability of peace. How, then, could the House continue that confidence to a minister, who, after possessing, for seven or eight years, all the channels of political information, had shown either such dangerous ignorance, or such wilful obstinacy? When the great lord Chatham found the people adverse to his plan of a Spanish war, he resigned his office. He disdained to act where he could not lead. There were circumstances which especially characterised the conduct of the present administration; a restless disposition for experiments, and an unalterable attachment to office. The first led them to the frequent necessity of retracting their plans, or of pursuing them against the will of the nation; the last induced them, upon the least risk of their places, to surrender their opinions. When the empress shall next be at war with any power, whose interests we may affect to adopt, how will our interference be respected? We may arm; but the trick is found out. "I don't mind Great Britain," she will say; "I know she won't fight." Thus had our national dignity and character been sacrificed; and to recover them a war may hereafter become necessary, at the expense of fifty, or a hundred millions.

The Hon. *Robert Banks Jenkinson* * addressed the House in a maiden speech. He said, that, though he rose for the purpose of objecting to the resolutions moved, he felt himself obliged to the hon. gentleman who had made them, as, in doing so he had afforded an opportunity of clearing away misrepresentation, and consequently gave pleasure to every friend of administration, as the question would thereby be fairly met, and fully and candidly discussed. That measure which, considered singly, and by itself, might appear wrong, when regarded relatively, would often be found to have been just, wise, and necessary. The greatest commendation that could be paid a minister, was an acknowledgment of his having, in the first place, acted systematically: and, in the next, of that system having been prudent and right. These premises being agreed on, it should be his endeavour to prove that the system taken up by administration, and the principles upon which they acted, had been such as were dictated at the time by the wisest and soundest policy. It had been admitted by the first politicians in this country, that the principle upon which England ought to act, was that of establishing continental alliances. We were bound to consider France as our natural rival; we ought to keep Holland, our natural ally, from falling into her hands; to obtain, by continental alliances, a sufficient land force to protect Holland, and, upon every occasion, to divide the power of France. These principles admitted, the question would be, to what powers were we to look to form alliances with? Politicians had, in general, agreed, that it would be wise to form an alliance with Germany against France; but to this there were many apparently insuperable difficulties, and among them,

* The present Earl of Liverpool. [A. D. 1817.]

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the different jarring interests which altogether defeated the view of forming an alliance with the empire collectively. In looking at the German powers separately, it would be observed, that there was such an equality of the powers of Brandenburgh and Austria, as to make the choice optional. With which of these leading powers was it prudent to form an alliance? The dissentions in the Netherlands, and the connexion of Austria with France, rendered an alliance with her impolitic: but the connexion of Prussia with Holland, and the interest we had in Holland, clearly pointed out the wisdom of choosing Prussia. If, then, that treaty, already sanctioned by the House, was advantageous to this country, it certainly would be wise to prevent Prussia from falling into a situation, in which she would be rendered less capable of affording effectual aid in times of necessity, than that in which she stood when we formed an alliance with her. It was therefore necessary to support Turkey as a check upon Austria: for as long as the Porte maintained its consequence, so long would Prussia be to us an eligible ally. France, when she considered Austria as her rival, had ever deemed it politic to preserve an alliance with Turkey, well knowing that the Ottoman power would operate as a check on her rival, and tend to control her conduct. When, therefore, Austria was allied with France, Turkey immediately became our natural ally. Mr. Jenkinson then requsted the House to consider in what a dreadful state the affairs of Turkey had been prior to our interference. He reminded them that the support of Turkey was involved in our alliance with Prussia: that our interference was therefore necessary, and almost unavoidable; for if no such interference had taken place, Prussia, by her alliance with us, would have been exposed to Austria and France, and have been rendered unable to afford us the least assistance. Had war taken place between England and France, Austria would have occupied the whole attention of Prussia; but by Turkey being supported, she would weaken the force of Austria or create a diversion in that quarter, and Prussia would be left at liberty to aid us by the whole, or by a considerable, portion of her strength.—Mr. Jenkinson declared he would very readily admit that France was not now in a situation to occasion any alarm; he would readily admit that she was at present in the most distracted situation; but was it likely, he asked, that she would long continue in such a state? Was it not more probable that she would shortly be in possession of a settled and effective government? Possibly her ancient arbitrary government might be restored; and in that case, she would once more be a powerful rival, and we should again have occasion to dread those intrigues which had ever been attached to its cabinet, and which had hardly ever suffered Europe to remain in peace. Perhaps she would obtain a moderated and free government; and then, though less fear might be apprehended from intrigue, more would be to be dreaded from her power; and her rivalship would be still more formidable than ever it had been. France, blessed with almost every advantage that nature and circumstances could bestow, wanted but a well constituted and well regulated government, to make her rise again with redoubled splendour, and again prove the terror of her neighbours, and excite the wonder and admiration of the world. During the unhappy dissentions of that unfortunate country, the spirit of forbearance, by which our ministry had been governed deserved the highest praise. This indication of generosity and friendship might tend to subvert the ancient jealousies of the two countries, and produce an alliance of a permanent nature, greatly to the advantage of both. Had our administration endeavoured to excite the divisions of France, he would not have been the last to have censured them. By cultivating the friendship of the French, instead of provoking and fomenting their indignation and aversion, we should advance our national interest; but he considered it as the duty of ministers, and the policy of Great Britain, to take the advantage of her present debility, by promoting treaties with continental powers that might add to our strength, and secure us against all eventual danger. The alliance with Prussia presented itself as the first and principal step to our continental connexion. Prussia, when Holland was endangered, marched an army into that country for its preservation from the grasp of France, and for the maintenance of our interest in the safety of the States. Prussia was as much endangered by the progress of the Russian and Austrian arms against the Porte, as we had been by the attempt to over-run Holland. As Prussia came forward on that occasion

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for our interest, we were bound in honour to come forward on the late one in support of the interest of Prussia.

Having stated the policy of our alliance with Prussia, and having argued the danger to which that power was exposed by the progress of the imperial arms against the Porte, Mr. Jenkinson observed, that it had been asserted that the Turks had been the aggressors. He granted they were so: but if it should be proved, that their actual commencement of hostilities was occasioned by strong provocation on the part of Russia, he trusted that the justice and propriety of their conduct would not be disputed. He then took a review of the conduct of the empress, in regard to her obtaining the Crimea: her promoting a rebellion in Egypt; her laying claim to Bessarabia, Wallachia, and Moldavia: and the repeated concessions to which she compelled the Porte to agree, till at last the Turks looked upon war as unavoidable, for the preservation of their dominions in Europe, and resorted to that expedient as their last and only resource.—With regard to the armament, it was, he said, instituted for the purpose of obtaining the best possible terms of peace for the Porte, endangered as she was. In proposing terms of peace to nations at war, it was always necessary to consider on whose side the justice and success of that war was. In the present instance, all the justice was to be found on the one side, and all the success on the other. In that situation the terms most likely to conciliate, were those founded on the *status quo:* but though those precise terms were not fully obtained, it could not be denied that the empress had lowered her terms as soon as she became acquainted with the interference of England and Prussia in support of the Turks. In referring to a paper, the rescript of the empress to count Woronzow, dated December, 1789, he treated with irony her imperial majesty's "ultimate conditions, founded in extreme moderation;" and her proposal for establishing Bessarabia, Moldavia, and Wallachia, as an independent state, governed by a sovereign of the Christian Religion, which prevails in those provinces. The empress on this occasion, was actuated entirely by deceptious motives; and the pretext of joining those countries into an independent state, served only to cover her real design of extending her conquests, and rendering these provinces tributary to her. It was absurd and unfair to maintain, that, although we had obtained uncommon advantages for the Turks from the emperor, we ought to have continued the war, because the empress had not complied with our original demands. To have exposed the lives of our fellow creatures, and to have expended wantonly our treasure, would have been causes of just reprobation. What had produced the Russian peace with Sweden? The interference of the British court. Russia wisely foresaw that she was not able to carry on a war against Great Britain, Sweden, and Turkey, at the same time, and therefore granted to Sweden all the terms of the *status quo.* Hence arose benefits that were laudable, by enforcing peace among the European powers. It had been advanced as a wise maxim, that, for the sake of the balance of power, the Russian empire should not, if possible, be allowed to increase; nor that of Turkey to diminish. To support Prussia and Turkey, by confirming the truth of this doctrine, the armament had been proposed; and the address of parliament justified the proceeding. Opposition arrogated to themselves considerable merit from the struggle which they had made against ministry: but had all been firmly united, had there been no factious party in this country, Russia would not have dared to have resisted our demands.

It was, however, contended, that, immediately upon Russia's claiming Oczakow, and the district between the Bog and the Dniester, our armament ought to have ceased; and those terms ultimately obtained, should at first have been admitted. This, he contended, would have been grossly impolitic and unwise; inasmuch as to have given better terms to Russia than to Austria, when both were equally situated, might have given occasion to the emperor, who never was remarkable for good faith, to have seized the opportunity of refusing to fulfil his engagements; the consequence of which would have been, that the Turks would again have been involved in a double war, and this country exposed to the ridicule of Europe, for not having gained, by our interference, a single advantage for the power whose interest we had espoused. When government had obtained such advantageous terms for the Turks from Austria, their policy was naturally to secure peace upon those conditions. The only means of effectually securing it was, by acting fairly towards the emperor, to

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take from him every possible pretence for not fulfilling his engagements: and this could be only done by demanding the same terms from Russia which he had acceded to; as Oczakow was, moreover, a place of considerable importance in the hands of the Turks, it could be only a place of defence: in the hands of Russia, it might be a place of offence. It was particularly for our interest to keep it, if possible, out of the hands of Russia, as we know, from the evidence before us, that it is the particular ambition of the empress to stretch her arms as far as possible in that quarter. He was confident that had it not been for the division in that House, and for the divisions promoted out of the House, the empress would not have contended for the terms she ultimately did contend for. One of his reasons for maintaining this opinion arose from a comparative view of the commerce of the two countries. The goods imported from Russia into Great Britain were more than double the quantity of the goods imported from Great Britain into Russia. What Great Britain received from Russia she might get from other countries; what Russia sent to Great Britain she could send no where else. It was certainly, therefore, the interest of Russia, when war was her only alternative, to give up Oczakow than to involve herself in a war with this country at such a risk; but would not this be the same in the other case? Certainly not: for the country being then divided, and there being a party in that House to oppose the conduct of administration, the chance of success on the part of Russia was so much the greater; besides, the empress might have been led to hope that the consequence of war might be the overthrow of the administration, and the introduction of a party into power more favourable to her views. To his knowledge, all Petersburgh was in a consternation for some hours on first hearing the news of our armament; nor was the panic dispelled till the arrival of dispatches from count Woronzow, which probably gave an account of the division in the House of Commons, and the divided opinion of the people on the subject. The gentlemen opposite had not, as they had boasted, saved their country from a war, but had prevented a successful termination to the negociation. The hon. gentleman justified administration, in ultimately admitting the cession of Oczakow, which they at first opposed, upon the ground, that that policy might be wise when a war was uncertain and success probable, which might not be wise when success was doubtful and war certain. No reasonable concession could be any disgrace to this country; for though it had been proved that we had a national interest in the concerns of the Porte, yet Russia had an interest both more immediate and more apparent, and if she saw no objection, under the particular circumstances, for the sake of facilitating peace, to consent to a modification of her original demands, it was much more wise for Great Britain to accede to it than to involve herself in a war, with the particular disadvantages under which she would have laboured in the prosecution of that war. He said, he was one of those who thought that the public opinion out of the House ought to be attended to, and admitted that, upon the present occasion, ministers might, consistently with their duty, act upon such opinion. There were cases, however, in which, by acting in conformity to public opinion, they might occasion to their their country much mischief, and among those cases would be that of a breach of treaty. In reply to the charge against administration, of not having disarmed as soon as the proposals of the empress were made known, he said, we should not then have obtained any modification. She certainly was not bound by her last proposals, they having been rejected when first offered to us; nor would she have obtained them, had she not have been enabled to avail herself of a division and a party in this country. In the course of the negociation, the empress obtained three great victories over the Turks; it ought, then to be matter of joy that she did not avail herself of these victories and of our divisions, to increase her demands. In reply to what has been advanced relative to the article for the free navigation of the Dniester not having been inserted in the treaty of peace, he said, he could not advance any thing, not having yet seen the treaty; but he conceived the declarations of the empress in her notification to be equally binding. The freedom of the navigation of that river he could not think so slightly of as some gentlemen; to him it appeared to be of much future importance. Poland, since her revolution, was likely to become a power of no inconsiderable consequence; her

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commerce was likely to be extended, and the Porte might consider it advantageous to form an alliance with her; the service of the free navigation of that river would then be no longer doubted. Referring again to the interference of this country, he said, it was not taken up for the purpose of merely interfering in the war, but to prevent the ruin of Turkey, and the consequent injury of an ally.

It had been asked, whether we were bound by treaty so to have assisted Prussia? He would admit that we were not; neither was Prussia bound to assist us by treaty in preventing Holland from falling under the attempt of France. The principle in both cases was the same, it was a mutual and an honourable attention to the interests of each other. He said, it was the duty of his majesty's ministers to watch with a jealous eye every change in the affairs of the continent, and strongly to maintain the balance of power, which, though it might not accord with the opinions of many of the present times, was an attention founded both in policy and in justice: a policy, which, had it been adopted, by Charles 2nd, and his ministers, would have prevented the long and bloody wars in the time of king William and queen Anne. He thanked God, the present times were not favourable to wars of ambition and conquest; they were now justly reprobated throughout Europe; but in England, above all other countries, it was right they should be reprobated, for on peace our greatness as a nation completely and almost wholly depended, the interest of the country rested on permanent peace. He requested gentlemen, therefore to consider what had been gained by the interference of administration; and to remember what was the state of Europe, and what the probable future increase of wars, previous to the interference of Prussia and England, and then to compare the small expense of obtaining the peace of Europe, with the great increase of our revenue, occasioned by the tranquillity in consequence of that peace. He trusted, that when gentlemen examined into the subject, they would find that his majesty's ministers would not merit blame and condemnation, as having acted imprudently, or as bad men: on the contrary, he trusted, that that which they had originally proposed, was proved to have been right; that what they had obtained was considerable; and that, had the minister possessed the confidence of the other side of the House, as he had obtained that of the side on which he sat, his object would have been more completely gained, inasmuch as his negociation would have been more successful, and more effectual.

Mr. *Pybus* said, he had last year opposed the series of propositions that came from the other side of the House, respecting the Russian armament, because then there were no documents before them on which to frame a right judgment. The papers now on the table afforded the fullest information necessary, and he was happy to come to a fair and full discussion. He had then distantly stated, that his opinion of the minister's merits, though high, was not the grounds of his vote. Though the very striking proofs of integrity, and ability, which his right hon. friend had given in the transaction with Holland, allowed the most sanguine hopes of his good conduct in future, yet he had not used this argument for confiding in him, because he was furnished with a more general one, namely, that it was the true spirit of the constitution. He thought that, if ever an occasion arose, when it was necessary for England to interfere, it was at that particular time. She was almost without a continental ally, till a fortunate combination of circumstances led her to a connexion with Prussia. But he should not enter upon the advantages resulting from this alliance, since it would be only to set his own inferiority in contrast with the very splendid talents of his hon. friend who preceded him. But one topic he had left untouched, he meant the naval importance that would accrue to Russia from the acquisition of Oczakow. At present the marine force of the empress was inconsiderable, because balanced by that of Turkey; but if she once extended her conquests so far as to get possession of Constantinople, it would be too little to say, that she would rival England; she would, in a short time, become the most formidable naval power in the universe.

Mr. *St. John* supported the motion. He stated that Oczakow was of importance, or it was not; that it was an object worth arming this country to preserve in the hands of the Turks, or it was not: in either case, the conduct of the minister was highly reprehensible: first, for arming, and putting the country to an immense expense, if the object were not worth it; and next, for abandoning it, and leaving

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it in the hands of the empress, if of that great importance gentlemen had stated. He said that, by our conduct, we had made ourselves the subject of ridicule for every power in Europe, without one single advantage to this country.

Mr. *J. T. Stanley* was of opinion that the interests of this country would be very seriously affected if the empress of Russia ever carried her designs into execution. If she should succeed in gaining possession of Constantinople, he entreated gentlemen to consider what consequences would necessarily ensue, All those provinces bordering the Mediterranean, now under the power of Turkey, would fall under her dominion, and, would England have no cause for apprehension, when the resources which those rich countries, particularly Egypt, offered to enterprise and ambition, were brought into activity? Such new routes would be opened to commerce, such emporiums of trade would be formed, not only on the coasts of the Mediterranean, but on those of the Red Sea, where every temptation would be held out to bold and speculative adventurers, that much of that tide of wealth, now flowing from all quarters into this happy land, would be diverted into other channels. Thinking in this manner, he must consider Oczakow, as a place of great importance; by its cession to Russia no means were now left of counteracting any of those designs, against which it so much behoved us to be on our guard. Nothing could well be undertaken against Turkey, so long as it remained a fort to protect its frontier; at least, that could endanger Constantinople. And the months which must have passed before it could have been taken, would have given both time to the Porte and to her allies to take measures for their defence. He lamented, that the public opinion of this country had been so prejudiced as to force the minister to abandon his first intention of obliging Russia to give up Oczakow, but he could not disapprove of his conduct in so doing.

Mr. *Grey* said, he should distinguish the grounds on which he should support the motion of his hon. friend. It was not his intention to argue all the general propositions which had been laid down on the balance of power in Europe. The points most strenuously maintained in that respect, were such as he never felt any disposition to dispute. The first part of the resolution embraced the consideration of our armament, on the question of its object and necessity, and went in discussing it, to the point that the armament was not, in its probable effect, connected with the political or commercial interest of this country. The commercial interest, in the present debate, had not been much noticed; but if it was true that our commercial interest with Russia was great, then it would follow inevitably, that some very extraordinary reasons should be assigned for its being put into a hazardous condition. Some very good reasons should be given for disturbing the trade, if it should appear it was such as to be greatly beneficial to this country, and by which we had gained so much, and our manufactures had flourished. But he should hear it said, that the trade of this country with Russia, and the advantages of it, had been over-stated; and that it would appear by the books at the custom-house, that those statements were too high. Upon this, he was of opinion, that the objection was unfounded; that the books of the custom-house were not conclusive upon that subject, and that no fair calculation could be made upon them. It was formerly stated that the whole of the exports of the woollen trade amounted to no more than 62,000*l*., whereas it appeared, that two manufacturers in a town in Yorkshire, alone exported more than to the amount of 200,000*l*. Attempts had been made to bring forward the antiquated and exploded system of the balance of our trade with Russia appearing to be against us, when, in truth, we imported the bulky raw material in such considerable quantities, as to employ the industry of our manufacturers, whose productions were afterwards exported with a considerable profit. He considered as ridiculous the speculative talk of a trade to be opened with Poland, and the Lord knew where. To the subject of our political interest, and the manner in which it was affected by the armament, he should beg leave to call the attention of the House. He was not called upon, from the arguments of the gentlemen on the other side, to argue whether any general acquisition to the strength of Russia was such as required us to interfere, or whether the destruction of that power was a desirable object, but whether the acquisition of Oczakow to Russia was of such a nature as to be dangerous in any sense to this country? Much had

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been said with regard to the policy of preserving the general balance of power, by the hon. gentleman who had delivered his sentiments with such eloquence of manner and correctness of expression, that if a stranger had come into that House to hear him, he would not have readily supposed it was the first time of his speaking. But whatever ability he had displayed in the course of his speech, he had failed to produce conviction on his mind. On the general topic he would say, that as we were the most remote from danger, we ought to show ourselves the least susceptible of jealousy, and the least ready to take alarm. The maintenance of the balance of power was certainly a laudable object, when not pursued to too great an extent. That it ought not to be prosecuted too far, had been pointedly proved by an expression that could never be forgotten. When the power of France had not been reduced to its present enervated situation, it had been said by a right hon. gentleman in a debate on the balance of power, "that it was a mockery and an insult to the poor thatched cottager to talk to him of the balance of power." That Great Britain had pursued this object too far would not be denied, when it was considered that in her progress after it she had travelled as far as the banks of the Black sea.—In all the debates on this subject, those who had supported the armament, had studiously endeavoured to lead the House from the main question, by recurring to the affair with Holland. In that transaction opposition had not been backward in bestowing their applause, but from that period the heads of the members of administration had been turned, nay even the minister himself could not withstand the infection. He seemed to think that he could parcel out kingdoms, and conduct negociations with the same ease that he laid on taxes, or supplied the want of arguments by the division of majorities in that House. His friends, and those that pretended to be his friends, flattered him into that belief. We heard no more of that pacific spirit inculcated, the language of which is usually accompanied with firmness, and in the end productive of substantial profits and well-earned applause. His friends longed for a war, in which he might distinguish his talents in conducting the vessel of the commonwealth through all the thunder of cannon, with the same ease that he conducted it, in the gentle tide of peace; nay, he seemed to wish for it himself. He would appear to have been as much affected as Don Quixotte by the perusal of books of chivalry. Amusing himself by curveting in this court; prancing in that; menacing here; vaunting there; the laurels of his father faded in his eyes—he out-Heroded Herod. An opportunity presented itself, and he was surprised to find that in all the ardour of military renown, he did not snatch it on the first presentation—the Spanish affair. After all his pompous pretensions, after all his ridiculous menaces, he had in every instance given up his object, or rather had found none who would be at the trouble to contend with him. After having disgraced himself in all the courts of Europe by much gasconade and bluster, he had met in each nothing but discomfiture and disgrace. Indeed, the happy situation in which this country had been placed, by various circumstances, during the present administration, seemed to have had no other tendency than to show the people of this country how far they might afterwards be punished by Providence, by disregarding its bounty, and criminally confiding in their heedless leaders. What had we adopted in our political conduct towards other states? Not that bold, candid, and manly mode of behaviour, which our character demanded, or which the peculiar circumstances of the affairs of Europe afforded us an opportunity of showing; but instead of it, we seemed to affect a species of low intrigue and petty policy, adopted by other courts, which we had always been accustomed to reprobate. We seemed, in some cases to imitate the practice of the court of Louis the 14th. We, like him, had discovered of late a thirst for universal dominion, highly disgraceful to our national character. But above all, he hated that sort of dictatorial interference in the affairs of other courts, without the smallest necessity or cause, except those of our own creating. This conduct had rendered us odious in the eyes of Europe.

But the point to be debated was, Whether the cession of Oczakow to the empress was such as to affect the interest of this country, or prove dangerous to the balance of power in Europe? The concession of some of the gentlemen on the other side settled this point; they had agreed on it themselves, that neither of these consequences was to be appre-

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hended, now that the point was given up; and yet at first, these were the grounds on which they asserted that the object was well worth contending for. They involved themselves into strange contradictions and absurdities; for they defeated one observation, by insisting on the force of another. They said Oczakow was not worth going to war about, but it was worth the risk of fitting out a fleet. Worth fitting out a fleet, but not worth a war! Could he, as an opponent of those measures, want any thing more? But he had still stronger proof of the impropriety of the conduct of ministers, from the first authority, that of the right hon. gentleman himself. By his own evidence, the whole administration would appear to deserve censure. If the possession of Oczakow by the empress was dangerous to the balance of power, on which the chancellor of the exchequer had insisted, there was a proof we had abandoned it to that danger; for Oczakow was, after all, ceded to the empress. This point was so plain that he confessed he could not argue on it any longer. The alternative was no better for the minister; for if Oczakow was not worth our contention, why did we contend for it? The truth, indeed, was, that there was no propriety in any part of our behaviour in this case; nor was there any justice in the war against the empress. She was unjustly attacked by the Turks, and yet we pretended to justify our interference against her in the contest.—But the empress, it seemed, had possession of the Crimea. What if she had; was it taken lately by her? No; and be it remembered that on this very occasion, when this country was called on to interfere, it refused all interference; and if so, now it must be too late to talk of the danger of it, or to dispute her original title, for the same mode of argument might be applied to our own dominions. In Jamaica, for instance, suppose there was an attack made upon us, should we be willing to hear from any power pretending to mediate for us, that our possession of that island was obtained by violence? He would go farther, for he would say, that we had guaranteed the Crimea to the empress, and we had no right now to make any objection on that head.—As to what he had said on a former occasion, respecting the right of a nation going to war, he wished that he might neither be misrepresented nor misunderstood. What he had said on that occasion he would repeat on this. A nation had, in his opinion, three points on which it could reasonably go to war; an attack on itself or its ally, to recover a right withheld, or to prevent danger. This, however, was not to be determined on loose or vague apprehensions, but on a clear appearance of danger, so that mischief would almost seem inevitable from neglect. Such was not the case here. But the manner in which attempts had been made to find apologies for the conduct of ministers on this armament, were more curious still than any thing he had yet stated. It had been stated, not in that House, for he believed that no member of it would subject himself to the ridicule which would attend the absurdity, but it had been stated in other places, that our territories in India were in danger from the success of the empress against the Turks, that the Great Mogul would fit out ships to go down the Ganges, and to proceed to Bengal, to make an attack on our territories. It is thus that history, geography, and all the principles of common sense and common observation were violated for the purpose of finding out some pretext for this useless armament!

He now came to the second resolution. He could hardly say any thing upon this, because it was self-evident, and he hoped that his hon. friends had been completely successful on that subject. But, by way of compensation to us for our trouble and expense in this armament, it seemed that the empress had given us the navigation of the Dniester. What was gained by this? Nothing. It was well known to be the line of demarcation, a thing which of course was open to all powers in time of peace, and the right hon. gentleman would hardly say we should have this freedom in time of war. This was therefore gaining nothing, Nor could we boast of our having obtained the freedom of the Black Sea for the Turks.—The next observation that appeared to be most material was that of the minister having desisted from his original plan in this measure, not from his own conviction, but from the opinion of the people; but before he proceeded on that point he must, by the way, take a view of the bad effect of this hasty measure. It not only occasioned a temporary stagnation to our commerce, but operated to the distress of the most valuable members of our community. He would allow that, until better means were found out, the practice of

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impressing seamen must be entrusted to the care of the executive power; but it was doubly culpable in ministers to pursue unnecessarily a scheme which called these useful and laborious persons out of their occupations, in which they were employed, so much to the benefit of our commerce, or that they should be torn from their families, and that too without being useful to the state.—He then took a view of the strange conduct of our court, not only towards the empress, whom it was unwise in us to irritate, but also towards the Turks, to whom we had proffered our alliance. Our first entering into this measure was unnecessary and wanton; our conduct in it had been marked by arrogance and injustice; and at its conclusion by pusillanimity and meanness. The empress had a right to the recompence she sought; she had a right to retain Oczakow, and did retain it, and laughed at our haughty pretensions and ridiculous menaces. Those allies, the Turks, whom we pretended to support, but afterwards betrayed, had given the highest proof of their abhorrence and contempt of our conduct. He knew not whether he should be blamed or ridiculed for what he had done, but he had taken the pains to procure the best information on the subject, and had obtained a copy of the grand vizier's answer to sir Robert Ainslie, our ambassador at Constantinople, of which the following is the substance: "The grand signior wars for himself, and for himself makes peace. He can trust his own slaves, servants, and subjects: he knows their faith, has experienced their virtue, and can rely upon their fidelity—a virtue long since banished your corner of Europe. If all other christians tell truth, no reliance is to be had on England; she buys and sells all mankind. The Ottomans have no connexion with your king, nor your country: we never sought for your advice, your interference, or friendship: we have no minister, no agency, no correspondence with you: for what reason offer ye, then, to mediate for us with Russia? why seek ye to serve an empire of infidels, as ye call us musselmen? We want not your friendship, aid, or mediation. Your vizier, of whom you speak so highly, must have some project of deception in view, some oppressive scheme to amuse your nation, whom we are told are credulous, servile, and adorers only of money. Avarice, if we are well informed, is your chief characteristic—you would sell and buy your God—Money is your deity; and all things is commerce with your ministry, with your nation. Come ye then to sell us to Russia? No, let us bargain for ourselves. When fate has spun out the thread of our good fortune we must yield; what has been decreed by God and the prophet of men must and will come to pass. We Ottomans know no finesse. Duplicity and cunning are your Christian morals. We are not ashamed to be honest, down-right, plain, and faithful in our state maxims. If we fail in war, we submit to the will of Heaven, decreed from the beginning. We have long lived in splendour, the first power on earth; and we glory in having triumphed for ages over Christian infidelity and depravity, mixed with all sorts of vice and hypocrisy. We adore the God of nature and believe in Mahomet. You neither believe in the God you pretend to worship, nor in his Son, whom you call both your God and your Prophet. What reliance can there be upon so sacrilegious a race? Truth you banish, as you do virtue, from all your conduct and actions with each other. Read the catalogue of the complaints, manifestoes, declarations and remonstrances of all the Christian kings, monarchs and emperors, who have lived and warred with each other—you find them all equally blasphemous, equally perfidious, equally cruel, equally unjust and faithless to their engagements. Did the Turk ever forfeit his promise, word, or honour? Never. Did ever a Christian power keep an engagement but while it suited his own avarice or ambition? No. How then do you think we are to trust you, a nation at this moment, if told truth, ruled by a perfidious administration, without one grain of virtue to guide the machine of state? The grand signior has no public intercourse with your court—he wants none—he wishes for none. If you wish to remain here either as a spy, or, as you term yourself, an ambassador for your court, you may live with those of other Christian nations, while you demean yourself with propriety, but we want neither your aid by sea or land, nor your council or mediation. I have no order to thank you for your offer, because it is by the Divan deemed officious; nor have I any command to thank you for the offer of your naval assistance, because it is what the Porte never dreamed of admitting into our seas. What you have to do with Russia we neither know

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nor care, our concerns with that court we mean to finish as suits ourselves, and the maxims of our laws and state policy. If you are not the most profligate Christian nation, as you are charged to be, you are undoubtedly the boldest in presumption and effrontry, in offering to bring such a power as Russia to terms. Such as you and some other trivial Christians united fancy yourselves equal to command—we know better; and therefore this effrontry of yours amounts rather to audacity, and to an imbecile dictation, which must render your councils at home mean and contemptible, and your advice abroad unworthy of wisdom, or attention from any power, much less the regard of the Porte, which on all occasions, wherein its ministers have listened to you, have experienced evil, either in your designs or in your ignorance. His sublime highness cannot be too much upon his guard against the attempts and presumption of a nation so perfidious to the interests of its subjects (or colonists). But it is the usual way of Christian princes to sell and cede over their subjects to each other for money. Every peace made amongst you, as we are well informed, is made favourable to the king that best bribes. The Ottoman ministry have too long and too often given ear to European councils, and as often as they so did, they either were betrayed, sold, or deceived. Away then with your interference for the Porte with Russia! It has been your aim to embroil all mankind, and thereafter to profit by your perfidy. We ask not, want not, nor desire your commerce, because our merchants have been sacrificed to your double dealings. You have no religion but gain —avarice is your only God, and the Christian faith you profess but a mask for your hypocrisy—We will hear no more from you—therefore you are commanded to make no reply."—Such were the sentiments of the grand vizier on our conduct, and such was the contempt to which that pitiful intriguing spirit, to which ministers gave the name of policy, exposed us! He thought he had now stated tolerable reasons for supporting the motion of his hon. friend.

Mr. *Grant* began with declaring that he had not been able to collect with sufficient precision, whether they were to disagree or not as to the first part of the resolution, which involved in it no particular principles, and fell far short of the principles laid down and insisted on in the debates on the same subject last session. They had then heard it asserted that they had no right to interfere, that Russia was an independent power, and had a right to judge for herself and act accordingly. This position was surely pushed to a degree of extravagance, for it went to the length of maintaining, that no consideration of the danger of the balance of power being exposed, should weigh with parliament in this case, for agreeing to this armament. These arguments need not be opposed, for they were given up; and now the question was narrowed in some degree, and compressed into something like a sizeable point. It was "Whether, in this particular instance, government did right in entering, under all the circumstances, into this armament?" In the consideration of this point, it appeared to him that there was reason in the measure adopted by the minister. It was a material thing, in his opinion, for the interest of this country, that Russia should not gain a maritime ascendency. Every thing that was great and valuable might be affected by it. As to the value of Oczakow, that point had been unfairly treated. Gentlemen on the other side argued from what they called the admission of their opponents, and had charged them with maintaining ridiculous inconsistency. That at one time they regarded Oczakow as a very valuable acquisition, and at another as a place of no value whatever. The truth was, they did no such thing; they set a value on it as they would on any thing else; they considered the place of some value, but they never undertook precisely to state what the amount of that value was. Its real value was more likely to be found between the two extremes, than to be really either the one or the other. In order to ascertain that it was not altogether insignificant, he called the attention of the House to the first terms proposed by the empress, as the ultimate conditions on which she would grant peace to the Porte, among the foremost of which was, a proposition to form the provinces of Bessarabia, Moldavia, and Wallachia, into an independent kingdom, to be put under the government of a Christian prince. The facility with which she abandoned her first proposition, with regard to the formation of those provinces into an independent kingdom, but the steadiness, with which she insisted on keeping Oczakow, afforded a clear proof that however

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barren the district, or insignificant the place, she deemed it of great importance to her political views. Being, therefore, a place of some value, it followed as a matter of course, that it was worth making some reasonable effort for it. Nor was there any contradiction in saying, that although this place was worth making an effort, it was not worth a war. And in saying it was not worth a war, it must be taken with an explanation, that it was not worth a war under all the circumstances with which the war might be attended. And here it was observable, that if we proceeded to a war it might be a doubtful war, and there might be dissensions and eternal divisions upon it. These were circumstances, the consideration of which ought to make a minister cautious how he acted. There was another consideration in this case. The interest of Prussia was to be attended to; and it was not sufficient to say that Prussia had actually lost nothing in this contest, or was not even attacked, for it was very possible that the situation of Prussia might be materially altered, from the alteration of the state of its neighbours; for the state of all the European powers was relative, and was to be considered as they stood, in regard and with reference to each other. As to the real value of Oczakow, he thought that the better way to estimate the worth of it to the contending parties would be, to reflect on the manner in which they had contended for it, for they must be allowed to know something of the matter.—As to the question of policy, it could not always, in the affairs of state, be estimated by the actual value of the thing contended for, but by things to which it might lead. More depended on the care to avert distant danger than was generally imagined, and it frequently happened that from not looking farther than the present, the foundation of consequences infinitely mischievous to the dearest interests of a state was laid, as it were, imperceptibly. He instanced the alliance which Oliver Cromwell entered into with France, and which had since been considered by most politicians as extremely unwise and impolitic, although its mischiefs were not foreseen at the time it took place; but it was in consequence of that alliance, that many years after those wars began, which cost this country and all Europe so much blood and so much treasure. He alluded to the wars occasioned by the ambitious views of Louis 14th. By the alliance Cromwell had entered into with France, he gave France a predominating balance in the scale of European powers, and sunk that of Spain below its proper degree. Having at that time overturned the balance, it cost immense armies, and immense sums, to restore it to a due equipoise, in the reigns of king William and queen Anne. He was reminded likewise of the history of Philip of Macedon and the Athenians, and particularly his famous letter to them, in which he expressed his sentiments of justice and moderation, and in which he gave assurances of his good disposition to the liberty of Greece; but solicited some small towns, which the Athenians granted; many of them saying they were so obscure, and of so little value to them, that they did not know even their names. "True," said Demosthenes afterwards, "you did not know the names of these small towns, but they were keys to provinces, to which Philip will find his way, and endanger your liberty." Philip passed from town to town, and from province to province, until at last he had the dominion of all Greece. So in this the empress might profess moderation, and add fortress to fortress, until she became sole mistress of the Mediterranean, and Egypt. At the same time he could see distinctly, that, important as Oczakow might be, it might not be worth a war, under the peculiar circumstances with which a war must have been carried on against Russia. With regard to the right hon. gentleman having put the country to the expense of an armament purposely to keep Oczakow out of the hands of Russia, and nevertheless having given it up, that was by no means a matter that might not be amply justified. Many points had been again and again given up by negociators, not only after armaments had been set on foot, but after battles had been fought and victories actually obtained. Instances might be quoted in almost every reign, wherein objects had been relinquished, that were deemed of great importance at first, and to obtain which, great national expense had been incurred. To refer only to the reign of queen Elizabeth, that princess, in the reign of Henry 2nd of France, insisted on regaining Calais; she armed, went to war, but concluded her negociation for peace, without obtaining Calais. She next made terms with the Huguenots, and promised them protec-

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tion, on their delivering up Havre, which she thought might help her to Calais; she afterwards abandoned them, when they made terms with the king of France. Yet, would any body say that the ministers of Elizabeth did not act wisely in attempting to recover Calais? They certainly did; but they abandoned it when they found the object more difficult to obtain than they had at first imagined it would prove. So it might be said with regard to our efforts to regain Oczakow. To a certain point it was proper to persist, but circumstances altered the case. It had been said, however, if the minister thought his opinion right, and he was obliged to change it, he ought to have resigned his place. If the minister's opinion had been over-ruled in the cabinet, by the opinion of another minister, it would have been magnanimous to have resigned his office. Undoubtedly it would; nay, it would not perhaps have been honourable for him to have held it afterwards; but the case was surely different, where the minister did not yield to the superior and predominating opinion of any other minister, but to the opinions of the majority of the people of England, which, in so important a point as commencing a war, ought always to be attended to. He defended the keeping up the armament, after the minister had changed his opinion, by observing, that although the empress had declared three years ago, that let her successes be what they would, she would not increase her demands, yet as we then peremptorily refused to accede to those terms, we had no manner of right to claim them afterwards, but she might fairly say, "No, they were terms I would have granted then; when I offered them, you would not accept them; I am not bound to grant them now." In answer to what gentleman had thrown out in reproach of the minister, for his fondness for armaments, he said, he had never heard but of one armament, that had been at all questioned, or found fault with, viz. the last. The Dutch armament had met with the express approbation of the other side of the House, and so had the Spanish armament. With regard to the paper purporting to be a memorial delivered from the vizier, to sir Robert Ainslie, at Constantinople, that paper, even if authentic, related to a mediation, not to a negociation, and was, however harsh and severe, no satire on the present ministers in particular, but might just as well apply to the gentlemen on the other side, who were in all possibility as good christians, as the members of the present administration. He concluded with declaring that he should vote against the motion, from a conviction, that ministers had done the best they could, under the circumstances of the case.

Mr. *Windham* said, it was a pleasure to follow the hon. gentleman, notwithstanding his great ability, because he put the question on ground on which it could be fairly met. A fallacy, however, had slipt into his argument, the detection of which would be an answer to the greatest part of it. He supposed the proposition moved to be put in the extreme, which was not the true state of it. They who moved, and they who supported it, were not bound to adopt a more broad statement than was necessary; and to what extent they did state it, the proposition itself sufficiently explained. It was neither stated in the proposition, or the arguments in support of it, that Oczakow was of the highest degree of importance, nor that it was of no importance at all, but only that it was not of sufficient importance to justify the hazard of a war, and that by those who seemed to think it of the most importance it had been afterwards abandoned. The examples of Cromwell supporting the designs of Louis 14th, and of the Athenians neglecting to counteract those of Philip, would have been applicable, had it been maintained that we were never to guard against any distant danger. The question was not on the general proposition, but on the degree of distant danger which it was fit to oppose, at the risk of incurring the calamities of war.—Was that to which we had been exposed such a danger? This was the true question, and he thought the answer was clearly a negative. We had just concluded a convention with Spain, which we were told not only settled all existing differences, but took away the grounds of future dispute. France, our ancient rival, was in a situation which, more than at any other period, freed us from apprehension on her account. In the midst of all this apparent security, a war was carrying on in the most remote part of Europe; so remote, and so little interesting, that many of the people of this country did not even know of it; and while those who did were looking on as unconcerned spectators, the scene was shifted, as by the signal of the prompter's whistle, and

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showed the stage full of armed men; and they were told, that the situation they had been contemplating, might immediately be their own. *De te fabula narratur.* Nor was it the distance alone; the interest and the danger were at least as remote as the place; for which of our possessions, or what branch of our commerce was ever relatively concerned in the events of that war? The necessity of interference, in the case of any foreign power, depended much on the proximity of place, and our own positive and immediate interest. With regard to the theatre of the war, it was, in point of local distance, the very spot the most remote from us that could possibly be found on the globe. If it were moved towards the west, it would be nearer to us and our interests. If moved more to the east, it would approach the Indies where our territories were. It was the very physical distance, and it might be termed the very moral distance, at which no one interest of ours could attach. In the affair in Holland, the case was different. There we had an immediate positive interest, that required our interference. In the war between Russia and the Porte we had no interest whatever, unless we had established it as fit for us to act always in politics on that maxim, which was so excellent in respect to humanity, "Homo sum, humani nihil a me alienum puto." For our interference there was nothing to allege but the balance of power; and this was a pretext so extensive, that it applied to every thing. On the balance of power we were called on to interfere, for reasons, as it was said, that could not then be explained. The state cabinet was now unlocked, and never did any cabinet display a more beggarly account of empty boxes. Nothing appeared but the same remote cause, the same undefined balance of power. An hon. gentleman, who spoke early in the debate, and who, it was to be hoped, for the information of the House, would speak often, had very ably stated a chain of causes and effects, by which the success of Russia might affect our interests. But what were these but a chain of probabilities, many depending on circumstances, and many on the lives and dispositions of sovereigns, any link of which broken destroyed the whole. Surely this could be no adequate cause of war, more especially at a period when almost every court of Europe was producing such changes as mocked all political speculation. Those who defended the conduct of ministers, argued as if they had succeeded in their object, while the fact was directly the reverse. Their object was almost a political nothing, and that nothing they had failed to obtain. They had not even the plea of a great aim and a glorious failure. They had aimed at trifling objects, and their success was still more diminutive. It reminded one of the account of an invalid, who could swallow nothing, and even that would not stay upon his stomach! Or to express it more classically,

"Nil habuit Codrus, attamen infelix ille,
"Perdidit totum nil!"

When they said that Russia would not have kept her word if we had dismissed our armament, or rather never equipped it, they were bound to give some proof of that assertion. It would be a most singular rule in politics, that the moment any two powers agreed on terms was the moment for both to arm, to prevent a breach of the agreement. The minister was not blamed for having yielded to the public opinion, but for having put himself into such a situation, as that he could neither proceed without loss, nor retreat without disgrace. The boisterous tones which he had at first assumed, and for which he afterwards substituted the most humiliating concessions, resembled a sudden gust which terminated in sobs and sighs. The papers on the table furnished no one reason why, instead of sending out press-warrants, we should not have sent our determination to the Russian ambassador in Harley-street. If there was any person who sought for explanations from these papers, they must look to cabalistic annotations, or some mode of decyphering; they certainly were not visible to common-place understandings. Much had been said of the honour which had been gained by ministry in the late negociation; he wished that the claim had been locally ascertained. It was certainly not in Russia, in Sweden, or with our new allies, the Turks, that we had gained this credit. Nor did he want the rescript of the Turkish minister to inform him, that the country had been disgraced, that we had incurred the contempt of our enemies, and the execration of our allies. He was not so much the enemy of the right hon. gentleman, as to wish him the honours which he would experience on a public entry into the capital of the Ottoman empire. That our arma-

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ment was despised in Russia was evident, since it had not extorted a single concession; and that the causes of it were insufficient in the eyes of other powers, appeared from the alarm it had excited in France; the ostensible cause being absurd, the secret cause was naturally suspected.—For this cause we had dragged our seamen by force from their employments, a subject to which he trusted the House would turn its attention, and find a proper remedy; for the mode of pressing, necessary as it was, till a substitute could be found, had the character both of a despotic and a barbarous government. If it was asked, what temptations ministers had to act wrong, he was not bound to tell, although many could be assigned, such as the pride of dictating to contending potentates, and partitioning states and provinces. The question, if it applied to any charge of misconduct, would apply to every one, which was obviously absurd. He called upon those who had refused to exercise their most valuable function of prevention, to exercise that of rigorous inquiry into a measure which had cost perhaps half a million of the public money, at a time, too, when they were selling the very morals of the people for money by a lottery. If this expense had been unnecessarily incurred, the minister was not entitled to their confidence; if they refused to inquire into it, they were not entitled to the confidence of their constituents.

Mr. *Sheridan* said, that nothing should have induced him at so late an hour to trespass on the House, but his astonishment at the contemptuous silence of the minister, that consistency of insult, that climax of haughtiness, with which he had treated the House, and now refused to answer on the day of his trial. He had formerly told them, that when the day of discussion came, he would assign the reasons for his conduct. The day of discussion was come, and he was silent. If he thought himself sufficiently defended by those who had undertaken to plead his cause, he was much deceived; for he had involved himself in such a labyrinth of difficulties, as had not a path that did not lead to disgrace. If he had any defence to make, it was a secret locked up in his own breast, neither communicated to his friends, nor imparted to his colleagues. Every succeeding defender confuted the defender that had gone before him. Whether they had asked how they should plead his cause, he could not tell. If they maintained that Oczakow was of no consequence, they could not answer his exposing the country to the hazard of war on account of it; if they maintained that it was of consequence to justify an armament, they could not answer his giving it up. If they said that he yielded to the opinion of the House, they must be told that the majority of the House was with him; if they said, that he yielded to the opinion of the public, the opinion of the public was against his arming. On neither side could he escape. If he was wrong in his principle, he ought to be disgraced; if he was right, he ought be impeached for abandoning it. If, indeed, Russia, commanding a numerous and hardy race of subjects, possessing great extent of territory, without disunion, and accumulation of power, without unwieldiness, were to take possession of Constantinople, to occupy the Euxine, the Hamoaze, and Catwater, with her fleets, where no European eye could see or examine their force, till they poured into the Mediterranean, then he would admit that her power might be dangerous to this country; but before he admitted that we were to arm to prevent this danger, the minister should prove that it was probable; and if he did this he must stand convicted of a great crime in abandoning an object of so much importance, without laying such information before parliament, as would enable them to compare the probability of the danger with the practicability of preventing it. An hon. gentleman (Mr. Jenkinson) whose more than promise of great abilities men of all parties must have rejoiced to hear, had execrated the impolicy of the ministers of Charles 2nd, in not opposing the early ambition of Louis 14th. If one side of the minister's defence was well founded, he might live to execrate his impolicy in neglecting to oppose the ambition of Russia, after equipping an armament for the purpose. If his own majority forgave him, the minority readily might. To the latter he had bowed as the organ of the public voice; to the former, he said, in deeds more forcible than words, "I know what stuff my majority is made of, and how little its voice can be called the voice of the public." It was common for him to change his principles, to come forward with propositions on commerce, fortifications and armaments, with "unless these are adopted, I cannot be useful as a minister. I cannot be accountable for the

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defence of the country, I cannot answer for the balance of Europe." And the moment they were rejected or abandoned, to congratulate the House on the prosperity of commerce, the security of the nation, and the favourable situation of the European powers. These were changes, which he must not be suffered to put upon the House. The minority would bind him to the principle they had opposed, and convict him on it. The hon. gentleman, to whose speech he before alluded, had found it necessary, in explaining his system, to take into the account the restoration of France, in order to provide us with a proper enemy. If something, he had said, like the old government should be restored in France, we should then have all the ambition, treachery, and chicane to deal with, of which he formerly complained. If a free government should be established, we should then have a neighbouring power less likely, indeed, to be at war with us, but much more formidable whenever war should occur. How, then, ought we to prepare ourselves for meeting the energy and vigour which a free government might give to France? How, but by fortifying our constitution, by recalling it to its true principles and banishing from it this proud reserve in ministers, which disdained to give information, and this unmeaning confidence in parliament, which could vote money without it. Instead of this we were advised to take up the vices which France was throwing away; we must meddle and interfere in the affairs of other powers; we must have Holland for our ally, and Prussia to protect Holland; that Austria may not attack Prussia, we must excite the Turks against Austria; and to enable the Turks to defend themselves against Russia, we must get Sweden to make war on Russia. However far we went on, something more was still wanting. Like the earth, supported by an eagle, the eagle by an elephant, the elephant by a tortoise, &c. A support was always wanted for the last supporter. All this we had done; and what had we got by it?—disgrace, contempt, and reprobation. —He would advise the hon. gentleman who traced out this system, to abjure it in time, as neither according with the English constitution, nor the English character. Double dealing might be of service to despotic governments; it might serve a despotic minister, and perhaps be of temporary service to a country; but the occasional advantage was more than ten times overbalanced by the mischiefs it brought with it. The mere clerks of despotism, in this respect, would be an overmatch for the legislators of a free state. The character of our constitution was manly, frank, and undisguised. He loved to see the minister assimilate his character to that of the constitution. He would then love in it those qualities which he himself possessed; every sympathy of his nature would dispose him to reverence and to cherish them; and pursuing ostensible objects by direct and honourable means, he would tower, by the natural energy of candour and wisdom, above the miserable props of chicane and cunning. If, instead of this, a minister should assimilate the character of the constitution to his own, his progress might be towering indeed in lofty misery, but it would be bottomed in shallow craft. The hon. gentleman, whose speech he had more than once quoted, had unguardedly talked of the want of good faith of the emperor. Such language, when speaking of crowned heads, was always improper, because generally unwise, and frequently dangerous. How did the hon. gentleman know, that we might not soon have occasion to court the emperor, as we had lately courted the empress, of whose breach of faith, a few months since, that House and the country rung again, though now we had changed our minds so much, that her bare word was considered by us as a sufficient security for engagements of the most serious and important nature.—A worthy magistrate (Mr. Brook Watson), had called on the House to turn their eyes from the south-west of America to the north-east of Europe, as the true destination of the armament then preparing. The right hon. gentleman thought proper to deny this account given of the destination of the fleet, and parliament had been paltered with it in a double sense. He should, from the papers, suppose that they had in truth been treacherous even to Russia; and he quoted a passage, to show that they held a double language to that court, and pretended to follow up and act upon its system, while in reality they were offering to Russia their good offices, evidently to get themselves out of the dilemma in which they were involved. They prayed only for the free navigation of the Dniester as

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an *radoucissement*. This was the term made use of as a sweetener, to satisfy the people. The empress, with a vein of sarcasm, granted them the sweetener, but by making them parties, and, as it were, allies in her new system of armed neutrality; for she made it a stipulation that they should go to the Porte, and demand the same on their part. The entry of the grand vizier (Mr. Pitt) into the divan, accompanied by the reis effendi near him, (Mr. Dundas) must have been a very curious spectacle!—He thanked his hon. friend for the thought. What sort of reception, and what sort of dialogue, must have taken place! They must have asked him, what glorious terms have you procured with your grand fleet? Have you humbled Russia? Does she tremble at your power? Does she crouch? Have you burnt her fleets for us? Have you demolished Petersburgh? A melancholy No must have been the answer to all these interrogatories. What! does she not repent that she provoked you? But have you made her give up Oczakow? That your sovereign has pledged himself for? No, none of all this. Instead of telling them to be tranquil in their minds, instead of assuring them that the pigeon of Mahomet might perch in safety, and no longer fear that the eagle of Russia would pounce upon the harmless victim; they must say, No, none of all this: but we have engaged, if you do not comply with every tittle that she demands of you before we presumed to interfere, to abandon you to all the consequences of war.—He challenged the right hon. gentleman with continuing the armament not to produce acquiescence in his demand, but to preserve a haughty appearance of character for himself, when he had sacrificed the dignity of his royal master, and the fleet of England was made to ride in affected pomp, but in truth a disgraceful array at Spithead, exhibiting in novel manœuvres the zig-zag type of his own crooked conduct. He then spoke of the confidence which had been the topic of discussion, and he laid it down as an invariable maxim in the constitution, that no money should be taken out of the pockets of the people, without stating the positive use to which it was to be applied.

Mr. *Dundas* said, that the hon. gentleman had, in very harsh language, accused his right hon. friend for not having thought it necessary as yet to rise, and say any thing in answer to the observations that had been thrown out. He would give him a very explicit answer; if he wished that his right hon. friend should rise, the right hon. gentleman opposite (Mr. Fox) should have come forward, and have given his friend to know the full amount of the charges that lay against him, that he might have entered fairly and fully into his defence. I confess I have nothing new to say on the subject. Do gentlemen opposite think, that it is for the interest of this country to preserve the political equilibrium of Europe? At one time I have been inclined to think they admit, and at another that they deny, the doctrine of a balance. One gentleman has said, that undoubtedly it is the invariable policy of England to maintain the balance: another admits the doctrine generally, but confines it in a very limited way; and talks of contingencies, of circumstances, and of situations, by which it is to be tried and determined. I assert, that it is the invariable policy of Great Britain, and that we must ever act upon the principle, even if its effects should not appear in the same age. This was the principle upon which we did act in this instance. The basis of our system was laid at the time of the revolution of Holland. At that time, when to recover and save an ally, we entered into a treaty with Prussia, the ground was laid and the principle adopted, on which this very measure with regard to Russia was to be tried and defended. Then we engaged undoubtedly to do that for our new ally, which, in that instance, she did for us. We embraced the system, and immediately after we had occasion to act upon it. An alliance of a truly alarming kind was formed between Austria and Russia; formed after a personal interview of the two sovereigns at Cherson. The alliance of two powers so formidable, which had for its object their mutual aggrandizement by the overthrow of the Ottoman Porte in Europe, could not be viewed with indifference by our ally, nor was it indifferent to ourselves. Surely it would not be said, that the existence of the Ottoman power in Europe was not an object of importance to the maritime states of Europe. France had always viewed the existence of their power as of the utmost consequence; and surely to our ally this meditated ruin was of the utmost importance. The safety of Prussia demanded that these formidable powers should not

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acquire an accession of territory. To ourselves it was almost equally important; for we surely could not see Russia take possession of the Black Sea, and erect herself into maritime consequence in the Mediterranean, without alarm. Here the right hon. gentleman recalled to the memory of the House the ungrateful return which Russia had made to England for having in truth created her marine. We had manned her fleets; had led them from the Baltic to the Mediterranean; and the gallantry of an Englishman, lieutenant Dugdale, had achieved the famous conquest which crushed the naval power of the Turks. In return for all this, when Great Britain was involved in war with all the world, Russia had become our most insidious enemy, and had led the van in an act of hostility the most marked. He desired to know, after this proof of indisposition towards us, what right we had to expect the friendship of Russia, if her power should become formidable by sea? The islands of the Archipelago were the finest nursery for seamen in the world; and he owned he should fear for our possessions in India, if Russia were mistress of those islands; of Egypt and the Red Sea. That Oczakow was a great object, those who knew the interests of Russia and the Porte best made no hesitation in declaring. Lord Malmsbury, whose authority would not be slighted, had positively declared that it was of great importance to the Porte, for by it they were able to overlook what Russia was doing in that quarter. She could not form an equipment without being observed. It was the watch tower of the Black Sea. It was asked, why go on with the armament? Why, because it was their intention to use it. Then why recede? Honestly, because they found their ideas on the subject had excited a great division of sentiment in the country: a division known to the empress: a division which would have made it very difficult to go on; and which if they had gone on, would have given confidence to the empress. So that though they might have had but one campaign, she would have known that at the beginning of the next session, the great party in the country who were against the war, would have objected to the supplies. For this reason they gave up the point. There had been many detached observations to which he could not reply at so late an hour. A paper had been read by an hon. gentleman, purporting to be a manifesto; a memorial; or something. Certainly no such paper had ever come to government from sir Robert Ainslie; and he believed it had not travelled so far as Constantinople. The stale question of confidence had again been resumed. He thought it had been finally scouted, as ministers certainly demanded no blind confidence. He concluded with objecting to the motion.

Mr. *Fox* said, there was something extraordinary in the manner in which the right hon. gentleman had so pointedly called upon him to state his sentiments. Although one member had no right whatever to impose such a task on another, yet after the right hon. gentleman had called on him in so new a manner, he had made it impossible for him not to deliver his opinion upon the subject; before he did so, however, he submitted it to the House as a matter for their consideration, whether at that extreme late hour, they would wish him to proceed, or whether it might not be generally deemed more convenient to adjourn the debate? He was perfectly ready to go on then, if the House thought proper.

Mr. *Pitt* said, that on a subject so personally interesting to himself, it must naturally be imagined, that he was extremely anxious to hear the whole that could be advanced against him, in order that he might state such arguments, as led him to conceive, that there was no foundation for any part of the accusation, and that when he should have done so, he should necessarily be not the less anxious, to know the sense of the House on the subject; he therefore could give no opinion upon the suggestion of an adjournment, but must leave it entirely to the House itself.

After a short conversation, the question of adjournment was put and carried.

March 1. The House having resumed the adjourned debate,

Mr. *Martin* said, he had always been against the Russian business, because he did not approve of voting away the money of his constituents on an uncertainty. Wherever an over great degree of secresy was affected he was always apt to suspect much treachery and fraud. He declared he had much rather vote with the right hon. gentleman than against him, as he was no party man; but as he had heard no good reason for withholding the papers, he should certainly vote for

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the motion, unless, before the question was put, a sufficient reason was assigned.—Some members then very irregularly called upon Mr. Fox, but they were controlled by the Speaker, who persisted in naming, and pointing to

Mr. *Francis*, who said, that it had been his intention, if an opportunity had offered on the preceding day, as it was still, to have submitted his thoughts to the House, in support of the motions proposed by Mr. Whitbread; that he had formed his opinion by a careful examination of the papers on the table, and no man, he thought, who attended the last debate, could be much surprised at his declaring, that the opinion he brought with him had been powerfully fortified and confirmed by every thing that passed on that occasion. If, nevertheless, it should eventually happen, that the expectation, which the friends of the minister profess to entertain, should be realised; if their hopes should be accomplished; if the right hon. gentleman should meet the questions fairly, if he should answer them distinctly, and, in a plain intelligible way, remove the enormous weight of difficulties and objections, with which his conduct has been loaded; in short, if, before the close of this discussion, he should acquit himself substantially of all blame, which at present I deem to be little less than a moral impossibility, then, Sir, I desire it to be understood, that I hold myself at liberty not only to withdraw my support from the motion of censure, not only to give my vote for his acquittal, but to add to that vote a direct and express tribute of admiration, for the most exalted effort of human ability that I am capable of conceiving; for something more than human; for a power of eloquence approaching to magic and fascination. But I must tell the right hon. gentleman, that this success and honour is not to be obtained by artifice. He must abandon all crooked lines and circuits, and march directly up to his object. The answers I expect from him must be strict and in point. The explanations he gives us ought to be specific. The language of the right hon. gentleman, on this occasion of all others, should be frank, plain, and popular, adapted to the nature of the subject, a plain, popular interest; and suited to the capacity of those who are concerned in it, the people of this kingdom. It is possible to perplex, but impossible to convince them by sounding circumlocutions or pompous declamations. In their name, as well as my own, I protest against the use of logical distinctions; all refinement of abstract reasoning; all intricate inference from doubtful premises; all idea of positive obligation to be derived from speculative systems; all tricks and syllogisms, that catch the mind in false or unintelligible conclusions.

The papers on the table have, indeed, suffered some lights to appear, and some discoveries to escape, which I believe were not intended. But as to the explanations, which we had reason to expect, I affirm they furnish none. They tell us nothing but what in effect we knew before,—that our government had interfered in the quarrel between Russia and the Porte; that we had armed to support our interposition; that we had prescribed peremptory conditions to one of the parties; that we had abandoned those terms, and that a peace had been concluded, under his majesty's supposed mediation, including a direct surrender and avowed sacrifice of every one of those pretended objects, for which the expense and distress of a great naval armament had been imposed upon this country. But, with what right or reason we interfered; what interest induced us to risk a war; what authority we had to dictate; by what arguments we supported, or on what rational ground we retracted our interposition, are questions, on which it would be in vain to look for information in any of the documents communicated to this House. We see nothing but the result of an unsuccessful negociation; neither how it was conducted, nor why it was defeated. When I allude to sounding circumlocutions and pompous declamations, believe me, Sir, I do not mean to extend that character to a speech, which we heard last night from an hon. gentleman who spoke for the first time (Mr. Jenkinson). Without pretensions myself to qualifications of this kind, at no time perhaps within my reach, and now too late to be acquired, I am not so unread in the learning of former ages, or so inattentive to the talents that distinguish our own, as not to perceive that the hon. gentleman has chosen the best models of antiquity for his imitation, and that proceeding as he has begun, he may rival the most eminent eloquence of the present times. His speech appeared to me to be a masterpiece of workmanship, in which the labour so completely outvalued the

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materials, that no comparison could be made, no proportion could be observed between them. It looked like a beautiful piece of lace, of the fictitious value of many pounds, wrought from a skain of thread not worth sixpence. The hon. gentleman, I think, accomplished every purpose of eloquence, except one. He did not convince; because, without substantial truth and reason, conviction is not to be obtained. The minister himself must follow another course. Circumscribed and contracted as the rights and duties of this House are now, in effect, by modern doctrines and new principles, which I see with regret, are advancing and gaining ground upon us every day, we have one undisputed function, however, left; one right and duty, which, though virtually abandoned in practice, has not yet been contested in terms; that, when the money of our constituents is taken from them, we are bound to inquire, and have a right to be informed, for what national purpose it was demanded; for what specific interest of this kingdom it was taken; in what manner it has been applied; and what precise benefit to the people has been obtained by it. If this privilege, too, should be denied or evaded; if this duty, like all the rest, should be suffered to merge in the abyss of confidence, the House of Commons will not only be useless, but a burden and a curse to the country. If we are to sit here for no purpose but to register the edicts of the minister, pretending to represent the volition or opinion of our constituents, while in reality we abandon even our own, and sheltering the operations of a despotic government under the forms of a free one, the people had better submit at once to the executive power, and save themselves at least from the expense and delay of a formality, from which they derive no benefit or protection. The trade and commerce of the kingdom have been distressed, the public creditor alarmed, and all Europe kept in suspense, by military preparations, which have ended in nothing. I call upon the minister to tell us, why these things have been done. What general concern had England, more than any other nation, in the question between Russia and the Turks? What specific interest of ours could, by any possibility, be affected by the cession or restitution of Oczakow? If we had such an interest, do that now, which no person yet has done, show us plainly and distinctly what it was. I ask the right hon. gentleman, whether this was an English or a Prussian quarrel; and in what rational sense it could even be material to Prussia to dispossess the empress of a fort and a desert on the shores of the Black Sea? Were we bound by obligation, or in honour? If there be such an article in the treaty with Prussia, we may lament the fact, but I know we must submit to it. Public faith must be preserved. Is there a positive provision? None. Is there any thing that virtually comprehends the case by inference or implication? Nothing. Will you allow the executive power to bind you, not only by express terms, with foreign powers, but by deductions of their own, and to any amount? Will you permit the king's ministers first to contract for you to a definite extent, and under a plain precise limitation; then to tell you that, in the spirit of the engagement, other objects are included, other views are implied; and finally, to involve you in a complicated system of politics, against which, if you thought of it at all, you thought yourselves secured by the very treaty that plunges you into it? Can the nation be safe for a moment in a foreign alliance, if the intent and meaning be not limited by the terms; if they, who act for you, be at liberty, first to engage your faith by stipulation to one thing, and then to pledge your honour by construction to another? But general principles of policy are resorted to at last. The supposed interest of Prussia has been but little insisted on, and not at all explained. Gentlemen have been reduced to call in the balance of power in Europe to their assistance. In this place, Sir, I wish I had ability to attract the attention of the House, and to fix it, if possible, on some considerations, connected with the subject in debate, and essential, in my mind, to the future peace and security of the kingdom. I have lived to see great changes in the government and policy of nations, in France, in Holland, in Poland, and America. But I declare most solemnly, that I have seen no revolution among nations so extraordinary as that which has taken place, in my own time, in the temper and character of this country. The countenance that expressed, the features that distinguished, the character of England, are faded and effaced. We have now neither prejudices nor principles; nothing original, nothing of our own. When I first came into life, when, without

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experience or capacity to judge, I had opportunity to observe upon public transactions, and national dispositions, I do affirm, that the prevailing principle, the favourite language, not only at court, but universally through the kingdom was, to reprobate German alliances and to withdraw from continental connexions of every kind. This was the declared system of the government at his majesty's accession, with an evident concurrence of the country. The policy of the cabinet takes the opposite direction, and the people follow it. The very language, which I now hold, which thirty years ago would have been received with applause both by court and people, at this day, for ought I know, may expose me to the fury of the populace, and to have my House pulled down, as if I had declared myself an enemy to church and king. In the actual temper and habits of the country, I see nothing like an appropriated system. We stick to nothing. We are not properly a nation of merchants, nor of farmers, nor of manufacturers, nor of soldiers. A gentleman said yesterday, we were a nation of stock-jobbers. I say we are a nation of three per cents, and nothing else. The late king of Prussia complained to all Europe, that he was deserted and sacrificed by the peace of 1763, and that we had defrauded him of the subsidy due to him by treaty. Who was then at the head of the king's councils? The earl of Bute. The station he held entitles me to name the noble lord. Who was then the prime adviser, the intimate confidential secretary of lord Bute? a noble relation [lord Hawkesbury] of the hon. gentleman, whose political opinions at that time were as publicly known, as publication of every sort could make them. Nor, among all the changes we have seen, is it an instance of conversion the least to be admired, that the doctrines we have lately heard, should have been learned in that school, and that such a stream should issue from such a fountain. But, agreed;—let us surrender our understanding for a moment. Let it be admitted in argument, that the balance of power was in danger, and could no way be recovered or preserved, but by the restitution of Oczakow. If that be true, the affair is over; for Oczakow is not restored. But I desire to know why it was our particular concern, how it came to be our specific interest, rather than that of the continental states of Europe, to support this imaginary balance? If the cause be common, why should we take the lead in it? Why is this island for ever to be the victim of continental politics? The position that separates, ought to secure us. But systems are created to counteract nature. Our situation gives us no advantage. We are insulated in vain. I would warn the country, if I could against plunging, as we have done too often, into a labyrinth of continental politics. The nature and essence of a labyrinth is to be very easy to enter, and very difficult to get out of it. Let us attend to our own affairs; and beware how we follow these wandering fires, this will with a wisp, that carries us away, through bogs and quicksands, and, instead of landing us at our own door, abandons us at last in some foreign desert, worn out and benighted, to find our way home again. Still however it is affirmed, with unabating confidence, that Great Britain was materially concerned in the recovery of Oczakow for the Turks. If some gentlemen are feeble in evidence, I confess they are stout enough in assertion. Be it so. It seems we had an interest. Does it follow that we had a right? Does every interest convey a right? Let us see upon what principle of reason, justice, or the law of nations, we were entitled to interpose; and how the right hon. gentleman will establish the right of dictating terms of peace to two independent belligerent powers, with whose original quarrel we had no concern. I lay the justice of the war out of the question, though I believe it to be universally admitted that, on the part of the empress, it was purely defensive. To my argument, it is perfectly immaterial, whether the Turks were the aggressors or not. We had no jurisdiction, and our judgment has not been appealed to. If the contrary be true, let us hear it asserted, let us see it made out. To shelter the fact, you must establish your right to say, as in practice you have done, to the contending parties, "Thus far I have permitted you to contend; but now I interpose. The events of the war shall have no influence over the peace. You, who have succeeded, shall gain nothing by your success. The decision of Providence is in your favour; but it shall be my care to make it a naked judgment, without costs or damages: no recompence or retribution for the blood you have lost, or for the treasures you have wasted. You, who have failed, shall suffer nothing by the war, but the calamities that belong to it,

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in common with your opponent. Return to the point from which you departed. I am determined to replace you both *in statu quo.*" Such a rule, I confess, might be a blessing to mankind, if it were universally admitted and enforced. It would be some restraint to the madness of ambition, if princes were effectually instructed by authority, as they are in vain by experience, that conquest is never to be profitable; that the expenses of victory are never to be repaid. But unless the rule be made general, we have no right to the instant use of it. It is partiality and injustice, unless it operates upon all. In parallel circumstances, would we submit to it ourselves? or have we a different measure for the interests of others and our own? You have heard a comparison stated between Oczakow and Gibraltar, with respect to their importance. To make it applicable to the case, you must suppose that Gibraltar was of as much consequence to the security of Spain, as you pretend that Oczakow is to that of the Turks; for no man, I think, will affirm, that Gibraltar is an outpost of Great Britain; that our island would not be safe, that it would be open to invasion, if we lost the possession of that place. Such language might possibly be held by Spain. In her eye at least Gibraltar is an eye-sore. By what right does England withhold it? By conquest, and no other. The ministers of queen Anne, who made the peace of Utrecht, insisted on keeping Gibraltar aud Minorca, not as a bulwark and security to England—in that view the comparison fails us—but as the just and natural consequence of success, the recompence of our efforts, and some retribution of our expense. Why was the conduct of the Tory ministry in that transaction reprobated by the Whigs? Was it because they took an unreasonable advantage of the situation of France: because they demanded more than they had a right to? No, Sir. They were reproached with treachery for not obtaining enough; for not insisting on terms proportioned to the successes of the war; and for relinquishing the superior advantages, which they might have obtained by adhering to the alliance, and prosecuting the war. Suppose, at that period, that an empress of Russia had interposed, and threatened us with a declaration of war, if we refused to relinquish our acquisitions, and to revert to a *status quo.* I call upon the right hon. gentleman to declare to this House, and to his country, whether, if he had been minister of England, and entrusted with the conduct of the treaty of Utrecht, he would have yielded to that menace, and surrendered Gibraltar. If he would, he is bound by his practice to avow it: if he would not, his principles are a contradiction to his practice. On this point, I have authority, as well as precedent, to appeal to; a respectable, a powerful, I wish it were a living authority, a name never to be mentioned by me without respect, without an expression of even more than filial reverence. On what principle did lord Chatham condemn the peace of 1763? Why did he "solicit some friendly hand to deposit him on this floor," but to declare, as he did, that the advantages of the peace "were not adequate to the successes of the war? On what principle did he consent to enter into a negociation, in the year 1761, with M. Bussy? Was it on the ground of a *status quo?* Would he have suffered such a preliminary to be stated to him? No. I affirm, with knowledge, that he would have rejected it with scorn. The principle of that negociation was an *uti possidetis.* We were to keep all our conquests, unless the contracting parties should agree upon exchanges for their mutual convenience. I attended those conferences. The documents are in print. But I have other evidence, if possible more in point, and drawn from the same authority. The anecdote I allude to is of a public nature, and must appear in the records of the secretary of state's office. When the court of Spain interposed, and endeavoured to reduce us to terms advantages to France, what was the answer of lord Chatham to the Spanish ambassador, I think it was the *Condé de Fuentes?*—I am sure of the substance; I could almost answer for the words: "What, shall the court of Versailles, the common disturber of the peace of Europe, perpetually profit by her successes, and keep her acquisitions: but, when the events of war have been against her, is she to be reinstated without loss; is she to suffer nothing from defeat?" Would lord Chatham have submitted to the haughty interference of a neutral power? The fact is before you. Is the principle disputed? is the authority insufficient? or is it in human effrontery to avow, that you insist upon a general principle at one moment, and refuse to abide by it at another?

Now, Sir, let us turn to the conclusion,

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and see how it corresponds with the outset of this honourable transaction. In the face of truth and reason, let it be granted, that our interest and our right, as well as the importance of the object, have been proved to demonstration. The right hon. gentleman would do well to consider, where that concession leaves him: and whether he had not better resort at once to the original folly of his conduct supposed to be corrected by better information or experiment, than persist in asserting that the interest, which he has sacrificed, was essential; that the right he has surrendered, was indisputable; and that the conditions he has retracted, were of importance sufficient to justify the armament, and fit to be supported at the hazard of a war. In one way, he has a chance of being right. In the other, he pronounces his own condemnation. Privileged as he is, he will not tell us, I presume, that both sides of the contradiction are true; that he acted wisely in demanding, and vigorously in retracting; that to arm for a certain object, and to disarm without obtaining it, is an equal proof of consummate wisdom, and of exalted resolution. Until adverse propositions, such as these, are made to concur, I must continue to think as I have been taught, that, among nations as well as individuals, moderation is the pledge and foundation of firmness; that insolence and arrogance generally lead to meanness and submission; and that he who draws his sword without reason, is very likely to put it up again without honour. The transaction, taken together, is ridiculous, as well as odious. To shelter us from universal hatred, the right hon. gentleman thinks it sufficient to make himself the scorn of Europe. Compare the opening, how pompous! with the conclusion, how contemptible! The miserable vanity of a foolish musician, who alarms you with a grand, martial overture, with drums, trumpets, and clarinets,—pride, pomp, and circumstance—and ends it with a flat, insipid finale, some low, vulgar tune, performed upon a dulcimer and a bagpipe?

For what rational purpose has the right hon. gentleman taken such pains to alienate and exasperate Russia? What advantage has he gained by it in another quarter? Has he conciliated the gratitude or friendship of the Turks? What, by giving up every point, which we had declared to be necessary to their security which we knew they had most at heart? A letter from the vizier to our ambassador at Constantinople was read yesterday. I believe it to be authentic. If not, let it be contradicted. But a denial is not sufficient. Give us some direct proof, out of the correspondence of sir Robert Ainslie, that the Ottoman Porte is in fact satisfied with our conduct. For myself, I have no doubt that the Turks are infinitely more exasperated, as in reason they ought to be, against England than against Russia.—Avowed hostility, compared with base professions, and treacherous friendship, is hardly an object of resentment. Why was the dignity of the Crown of Great Britain committed, if you were not prepared and determined to maintain it? Why was it declared, in his majesty's name [15th June, 1790.], that "the most just and reasonable proposition appeared to be that of the *status quo*; or, if it were so, why did the minister engage his majesty's honour afterwards, by mediation or concurrence, in the support of other terms, incompatible with that, which he had pronounced to be most just and reasonable? In the course of another year, we relax gradually, and lower our terms: but there we make our stand: "the court of London cannot propose any thing beyond these conditions to the Ottoman Porte." In less than a month, however, even this ultimatum is abandoned; and then, when we have relinquished every point, which the Turks, relying on our declared opinion, or professed friendship, had a right to expect, with admirable serenity we say [22nd July 1791.], "If, contrary to all expectation, the Porte should be unwilling to yield to the advice and representations of the allied courts, &c. we promise to abandon the termination of the war to the course of events," that is, to leave the Turks to their fate. Such folly and such perfidy may have existed in other times, but never appeared till now under the hand and seal of a great nation. The whole transaction is of a piece. Can any mortal mind conceive, why Mr. Faulkener was sent to Petersburgh? I pass by the useless, unnecessary expense of the appointment. What occasion was there for two ambassadors at the same court, and on the same subject? Let me entreat the House to look at this proceeding. As long as the right hon. gentleman thought it necessary to exact, or safe to threaten, one minister was sufficient. While there was something difficult to be negociated, or hazardous to be declared, he was con-

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tented to rely on the abilities and firmness of Mr. Whitworth. But, when he determined to lower his tone, when nothing but concession was in question, then, it seems, the business could not be done without a reinforcement of talents, without an infusion of personal spirit, to support the negociation; and this is the purpose for which he chooses a man of distinguished character to assist Mr. Whitworth. Now, Sir, it may be a vile, degrading office, but it cannot be a difficult task, to yield every thing, and submit to any thing. Concession, on the face of it, implies no great difficulty, unless you employ a man of honour to make it.—The plane is inclined, and the weight descends of itself. But the principle of this miserable negociation has even infected the form of it. Compare the style and composition of our papers with those of Russia. How poor, dry, and insignificant are the documents on our side!—Sometimes a stately reserve, or an obscure threat.—Then a torrent of official phrases, and general assurances about pacific dispositions and purity of intentions: without argument, dignity, or precision, or the ray of a reason for any thing. Mr. Whitworth and Mr. Faulkener I believe to be men of abilities, and am sorry to see them so wretchedly employed. So barren and impracticable is the subject, that cultivation is thrown away upon it;—no human industry can make it productive. Not so the empress of Russia. See with what vigour she enters into the debate, with what dignity and reason she supports it! For instance: "Our ministers declare [29 June, 1791] their readiness, as the last resource, to propose to the Ottoman ministry to cede to Russia the district of Oczakow in full property and sovereignty," with this curious proviso, that her majesty shall demolish the fortress and shall not rebuild it. How such a limitation can be reconciled to the terms of the cession, or included in the grant of a full property and sovereignty, is a mystery, which the underwritten ministers have very prudently left to shift for itself, and to find its way, if it can, into the human understanding. You might as well pretend to convey an estate, in fee simple, and then tell the purchaser that he must not repair the house, that he must pull down the mill, or demolish the bridge. You may annex these conditions to a gift, but it is nonsense to say that you grant an estate in fee. Observe the answer of the empress; how ably she argues the question; with what temper she maintains her pretensions. "That a restriction of this nature would imply a contradiction of the principle of absolute property and sovereignty; that it is not equal, or reciprocal, since the Turks are left at liberty to preserve, on their bank, their ancient fortifications, or to erect new ones; and that the construction of fortresses in general does not indicate any intention of attacking, but is connected with measures of precaution and defence, &c." To these unexpected arguments our ministers submit without reply. But it seems we have obtained the free navigation of the Dniester, for any persons of any nation, whose curiosity may lead them to visit those countries; and this grand concession is supposed to be extorted from the empress by the respectable authority of Great Britain. The empress, I confess, is extremely civil in her answer; because, in this article, she considers it as her interest to comply. She takes care to tell us, "that she will not disturb the navigation of the Dniester, but, on the contrary, afford it all favour and protection." Why? "because, during her whole reign, she has acted upon an invariable principle of encouraging, by all possible means, the commerce and navigation of neutral and friendly nations."

I cannot conclude, Sir, without reminding this House, and the nation, that, while the councils of England have been occupied in these vain pursuits, and most dishonourable negociations, the real substantial interests of the kingdom have been utterly neglected and forgotten. In behalf of the commerce and manufactures of England, I call upon the minister to inform us, why the commercial treaty with Russia, which expired in 1786, has not been renewed. We were once the most respected and favoured of all foreign nations in Russia. Respect and favour are gone. Let the nation consider, whether the measures lately taken were likely to reinstate us. I am authorized and instructed by one of the first houses in the city, connected with Russia, to say, that "the reasons which prevented the renewal of the treaty, might have been removed. That, in the course of last winter, Russia had offered to give up her objections, on the subject of the conveyance of naval stores in neutral bottoms: and that she had made this offer not as the purchase of any concession on our

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part, but merely as a preliminary to show her good will. This was the favourable opportunity which the whole trade had been in vain wishing for since the expiration of the treaty; we should have been restored to the possession of the rights we had enjoyed under the former treaty, with every farther advantage which we had to desire; that this favourable moment was thrown away and the trade sacrificed to a mere fancy. The chief disadvantage we labour under, from the want of a treaty, is, that we pay a duty, which is now equal to thirty per cent., or nearly one third more than other nations; whereas, during our treaty, all other nations paid that duty more than the English, though, from the less unfavourable course of exchange, the difference was never so great." The questions I have stated to the right hon. gentleman are strictly connected with the subject. They are parliamentary, plain, and intelligible. We shall hear, whether his answers are equally distinct and in point. A majority of the House of Commons may be easily satisfied: but it is not on such objects and interest as these, that the people of this kingdom can or ought to be contented with ingenious discourses, or with eloquent declamations.

Mr. *Powys* declared, that if it was to be understood by the motion, that the right hon. gentleman was to be censured for having abandoned his project, he could not vote for that, because he thought the right hon. gentleman, by doing this, had served his country more than he would have done by continuing it. The motion censured the right hon. gentleman for not obtaining with an armament, what he might have obtained without one, and that after the cabinet had agreed to quit their object, they agreed to increase the expense of the armament. To those two points, he could not say no without an explanation. He said, if ministers had explained their conduct when they called for confidence, there was no cause to think that parliament would have differed from them. It had fortunately happened, however, that their obstinacy in refusing all explanation last year produced an opposition that ultimately saved the country from the calamities of a war. But he thought some explanation ought to have been given, and he contended from the tenor of the king's speech, that assurances were held out of every prospect that could lead ministers to state to the country that there was no probability of any disturbance in Europe, by which the interests of this country were likely to be affected, or its tranquillity broken in upon. The truth of this declaration he considered ministers pledged for, from the solemn manner in which they introduced it. As to the affected object of the armament, and the total failure in obtaining it, that point certainly required explanation from ministers, when the result of her conduct had been attended with so much expense to the people of this country. Last year they had demanded and obtained the confidence of the country pending a negociation, during the sitting of parliament. In the interval, and after that negociation was concluded, he thought it would have been much more manly, honourable, and respectful, both towards the country and themselves, to have prepared against this time all the materials proper to justify their measures than to follow the conduct which they seemed to do.

Mr. *Fox* rose and said: — After the challenge, Sir, which was thrown out to me in the speech of a right hon. gentleman last night, I did consider it my duty to trouble you somewhat at length on this important question. But before I enter into the consideration of it, I will explain why I did not obey a call made in the beginning of the day, and repeated several times, in a manner not very consistent either with the freedom of debate, or with the order which the chancellor of the exchequer has himself prescribed for the discussion of this day. Why any member should think himself entitled to call on an individual in that way I know not, but why I did not yield to the call is obvious. It was said by an hon. gentleman last night to be the wish of the right hon. gentleman to hear all that could be urged on the subject, before he should rise to enter into his defence. If so, it certainly would not become me to prevent him from hearing any other gentleman who might be inclined to speak on the occasion; and as he particularly alluded to me I thought it respectful to give way to gentlemen, that I might not interrupt the course which he had chosen for himself, as it seems he reserves himself till I have spoken. This call on me is, Sir, of a singular nature. A minister is accused of having rashly involved the country in a measure, by which we have suffered disaster and disgrace, and when a motion of censure is made, he chooses to reserve himself and speak after every one, that

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no means may be given to reply to his defence—to expose its fallacy if fallacious—or to detect its misrepresentations, if he shall choose to misrepresent what may be said. If the right hon. gentleman be truly desirous of meeting the charges against him, and if he have confidence in his ability to vindicate his conduct, why not pursue the course which would be manly and open? Why not go into a committee, as was offered him by my hon. friend who made the motion, in which the forms of this House would have permitted members on each side to answer whatever was advanced by the other, and the subject would have received the most ample discussion? Instead of this honourable course, he is determined to take all advantages. He screens himself by a stratagem which no defendant in any process in this country could enjoy; since no man put upon his defence in any court of justice could so contrive as not only to prevent all reply to his defence, but all refutation of what he may assert—all explanation of what he may misrepresent.

Such, Sir, are the advantages which the right hon. gentleman is determined to seize in this moment of his trial; and to confess the truth, never did man stand so much in need of every advantage! Never was there an occasion in which a minister was exhibited to this House in circumstances so ungracious, as those under which he stands before it in the present moment! For what is our precise situation? In the course of the last session we had no fewer than four debates upon the question of the armament, in which the right hon. gentleman involved this country, without condescending to explain the object which he had in view. The minority of this House stood forth against the monstrous measure of involving the country, without unfolding the reason. The minister proudly and obstinately refused, and called on the majority to support him. We gave our opinion at large on the subject, and with effect, as it turned out, on the public mind. On that of the right hon. gentleman, however, we were not successful; for what was his conduct? He replied to us, "I hear what you say. I could answer all your charges, but I know my duty to my king too well to expose at this moment the secrets of the state, and to lay the reasons before you of the measure on which I demand your confidence. I choose rather to lie for a time under all the imputations which may be heaped upon me, trusting to the explanations which will come at last." Such was explicitly his language. However I might differ from the right hon. gentleman in opinion, I felt for his situation. There was in this excuse some shadow of a reason on which it might be possible to defend him, when the whole of his conduct came to be inquired into. I thought it hard to goad him, when, perhaps, he considered it as unsafe to expose what he was doing. But, when the conclusion of the negociation had loosened him from his fetters, when he had cast off the trammels that bound him, I thought, that like the horse described by Homer, (if I remembered I would quote the lines), exulting in the fresh pastures after he had freed himself from the bridle, the right hon. gentleman would have been eager to meet us with every sort of explanation. I thought that, restrained by no delicacy, and panting only for the moment that was to restore to him the means of laying open every part of his conduct that was mysterious, of clearing up that which had been reprobated, of repelling on the heads of his adversaries those very accusations with which they had loaded him—the right hon. gentleman would have had but one wish, that of coming forward in a bold and manly manner, and endeavouring to make his cause good against us, in the face of the world? Has he done so? Has he even given us the means of inquiring fully and fairly into his conduct? No such thing. He lays before us a set of papers, sufficient, indeed, as I shall contend, to found a strong charge of misconduct against him, but evidently mutilated, garbled, and imperfect, with a view of precluding that full inquiry which his conduct demands, and which we had every reason to expect he would not have shrunk from on this day. We call for more. They are denied us. Why? "Because," say the gentlemen on the other side, "unless the papers now before you show there is ground for accusation, and unless you agree to accuse, it is not safe or proper to grant you more." But is this a defence for the right hon. gentleman? Do these papers exculpate him? Directly the reverse. *Primâ facie* they condemn him. They afford us, in the first instance, the proof of disappointment. They show us that we have not obtained what we aimed at, and they give us no justification of the right hon. gentleman for having so disappointed us.

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Much ingenuity has been displayed in maintaining that there was no guilt. But how fallacious is this argument! When we called for papers during the Spanish negociation, we were answered, "the negociation is pending, and it would be unsafe to grant them." Very well. But when it is over, and the same reasons for withholding them cannot be said to exist, we are told, "Look to the result—the nation is satisfied with what we have got, and you must lay a ground of criminality before we can admit your principle of calling for papers." Thus are we precluded from all inquiry into that business. But now the right hon. gentleman, conscious that the country feels somewhat differently, admits the ground of criminality to have been laid by producing those documents on your table, imperfect as they are. It is from his own confession, therefore, that I am to pronounce him guilty, until he proves himself not so; and it is enough for me to contend, that the papers now before us afford him, *primâ facie*, no justification; but that they are, on the contrary, strong proof of his guilt, inasmuch as they evince that there has been a complete failure in the object the right hon. gentleman aimed at obtaining. Sir, the right hon. gentleman is sensible how much these circumstances render it necessary for him to take every possible advantage his situation can give him; instead, therefore, of showing himself anxious to come forward, or thinking it his duty to explain why it was inconvenient or impolitic for him to state last year the true grounds on which he had called upon us to arm, what was the object of that armament, and why he had abandoned it, he lays a few papers on the table, and contents himself with an appeal unheard of before:—"If you have any thing to say against me, speak out, speak all—I will not say a word till you have done—let me hear you one after another—I will have all the advantage of the game—none of you shall come behind me—for as soon as you have all thrown forth what you have to say, I will make a speech, which you shall not have an opportunity to contradict, and I will throw myself on my majority, and that makes you dumb for ever." Such is the situation in which we stand, and such the course which the right hon. gentleman thinks it honourable to pursue! I cheerfully yield to him the ground he chooses to occupy, and submit to the call addressed personally to myself (although perhaps not in a manner very decorous) of stating to the House what I have to offer, before the right hon. gentleman will open his lips.

Having made these preliminary observations on the manner in which this business has been conducted, I will proceed frankly to state the reasons upon which I found the vote of censure, in which I shall this night agree. Much argument has been used on topics, not unfit, indeed, to be mixed with this question, but not necessary; topics, which undoubtedly may be incidentally taken up, but which are not essential to the discussion. In this class I rank what has been said upon the balance of Europe. Whether the insulated state of policy which disdained all all continental connexion whatever, as adopted at the beginning of the present reign—whether the system of extensive foreign connexion, so eagerly insisted on by a young gentleman who spoke yesterday for the first time—or whether, as I am inclined to suspect is the true and wise course, the medium between these two, be our interest, are certainly very proper topics to be discussed, but as certainly not essential to this question. Of the three, I certainly think the middle line the true course for this country to pursue; I am of opinion that, in our situation, every continental connexion is to be determined by its own merits. I am one of those who think that a total inattention to foreign connexions might be, as it has proved, very injurious to this country. But, if I am driven to choose between the two extremes, between that of standing insulated and aloof from all foreign connexion and trusting for defence to our own resources, and that system, as laid down in the speech of an hon. gentleman who distinguished himself so much last night, to the extent to which he pressed it, I do not hesitate to declare that my opinion is for the first of those situations. I should prefer even total disunion to that sort of connexion, to preserve which we should be obliged to risk the blood and treasure of this country in every quarrel and every change that ambition or accident might bring about in any part of the continent of Europe.

But, Sir, in the question before us, I deny that I am driven to either of these extremes. The hon. gentleman who spoke with all the ingenuousness as well as the animation of youth, seemed himself to

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dread the extent to which his own doctrines would lead him: he failed, therefore, to sustain the policy of the system he described, in that part where it can alone apply, namely, to the degree in which it is necessary for us to support a balance of power. Holland, for instance, he states to be our natural ally. Granted. "To preserve Holland, and that she may not fall into the arms of France, we must make an alliance with Prussia." Good. But Prussia may be attacked by Austria. Then we must make an alliance with the Ottoman Porte, that they may fall on Austria. Well, but the Porte may be attacked by Russia—then we must make an alliance with Sweden, that she may fall on Russia. His natural ingenuity pointed out to him, that in casting up the account of all this, it did not produce a favourable balance for England, and he evaded the consequence of his own principle, by saying, that perhaps Russia would not attack the Porte; for when we speculate on extreme cases, (said the hon. gentleman), we have a right to make allowances: it is fair to expect that when we are in alliance with the Porte, Russia will feel too sensibly the importance of the commercial advantages she enjoys by her intercourse with this country, to risk the loss of them by an attack on the Porte. Are we, then, to suppose, that in that scene of universal contest and warfare, this ambitious power, that is perpetually and systematically, as it has been reproached her, aiming at the destruction of the Porte, and while the rest of Europe has been at peace, has been in a state of restless and unceasing hostility with her, will be the only power at peace, and will let slip so favourable an opportunity of destroying her old enemy, simply because she is afraid of losing her trade with you in the Baltic? If the hon. gentleman means to state this as a rational conjecture, I would ask him to look to the fact. Did her sense of these advantages restrain her in the late war, or compel her to desist from the demands she made before we began to arm? Certainly not. We find from the documents before us, that she adhered to one uniform, steady course, from which neither the apprehension of commercial loss, nor the terror of our arms influenced her one moment to recede. What then, are we to conclude from this intricate system of balances and counterbalances, and those dangerous theories with which the hon. gentleman seemed to amuse himself? Why, that these are speculations too remote from our policy; that in some parts, even according to the hon. gentleman's argument, they may be defective after all, and consequently, that if the system he builds upon it fails in one of its possibilities, it fails in the whole of them. Such must ever be the fate of systems so nicely constructed.

But it is not true, that the system necessary to enable this country to derive the true benefit from the Dutch alliance, ought to be founded upon those involved and mysterious politics which make it incumbent upon us, nay, which prove its perfection, by compelling us to stand forward the principals in every qurrel, the Quixottes of every enterprise, the agitators in every plot, intrigue, and disturbance, which are every day arising in Europe, to embroil one state of it with another. I confess that my opinions fall infinitely short of these perilous extremes; that possibly my genius is too scanty, and my undertanding too limited and feeble, for the contemplation of their consequences, and that I can speculate no farther than on connexions immediately necessary to preserve us, safe and prosperous, from the power of our open enemies and the encroachment of our competitors. This, however, I hold to be the only test by which the merits of an alliance can be tried, and I should esteem an alliance either valuable or useless, in proportion to its strict adherence to this principle. I did think, for instance, when the intrigues of France threatened to deprive us of our efficient ally, Holland, that it was wise to interfere, and afterwards to form an alliance by which that evil might be prevented. But every step beyond the alliance we then formed, every link in the chain of confederacies so largely expatiated upon by gentlemen on the other side, brings us more and more remote from its true principle; the broad and clear lines of your policy become narrow and less distinct, until they are carried at last to an extremity of Europe, where every trace of them is lost.

Other topics have been introduced into the present discussion. The beginning of the war between Russia and the Porte has been referred to. What possible connexion that has with our armament I know not; but of that I shall have occasion to speak by and by. I come, however, Sir, to a question more immediately

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before us, and that is, the value and importance annexed in the minds of his majesty's ministers to the fortress of Oczakow; and here I must beg leave to say, that they have not once attempted to answer the arguments so judiciously and ably enforced by my hon. friend who made this motion. It was explicitly stated by the gentleman on the other side, as the only argument for our interference at all, that the balance of Europe was threatened with great danger, if Oczakow was suffered to remain in the hands of Russia. Of no less importance did ministers last year state this fortress of Oczakow, than if it were indeed the talisman on which depended the fate of the whole Ottoman empire. But if this, from their own admission, was true last year, what has happened to alter its value? If it then excited the alarms of his majesty's ministers for the safety of Europe, what can enable them now to tell us that we are perfectly secure? If it was true that her bare possession of Oczakow would be so dangerous, what must be the terror of Europe, when they saw our negociators put Russia into the way of seizing even on Constantinople itself? This was the strong argument of my hon. friend (Mr. Whitbread), and which he maintained with such solid reasoning, that a shadow of an answer has not been given to it. To illustrate the value of Oczakow, however, one hon. gentleman (Mr. Grant) went back to the reign of Elizabeth: nay to the days of Philip and Demosthenes. He told us that when Demosthenes, urging the Athenians to make war on Philip, reproached them with inattention to a few towns he had taken, the names of which they scarcely knew, telling them that those towns were the keys by which he would in time invade and overcome Greece, he gave them a salutary warning of the danger that impended. But if the opponents of that great orator had prevailed, if they had succeeded in inducing their countrymen to acquiesce in the surrender not only of those towns, but of considerably more, as in the present instance, with what face would he afterwards have decclared to his countrymen, "True it was that these sorry and nameless towns were the keys to Amphipolis itself, but you have surrendered them; and what is the consequence? You are now in a state of the most perfect security—you have now nothing to fear—you have now the prospect of sixteen years of peace before you!" I ask, Sir, what would have been the reception even of Demosthenes himself, if he had undertaken to support such an inconsistency? Let us try this, however, the other way. In order to show that his majesty's ministers merit the censure which is proposed, I will admit that the preservation of the Turks is necessary for the security of a balance of power. I trust, at the same time, that this admission, which I make merely for the argument, will not be disingenuously quoted against me, as hypothetical statements too commonly are, for admissions of fact. What will the right hon. gentleman gain by it? The Turks, by his arrangement, are left in a worse situation than he found them; for, previous to his interference, if Russia had gone to Constantinople, he would have been unfettered by the stipulations which bind him now, and he and his ally might have interfered, to save the Porte from total destruction. Now, however, the possible and total extirpation of the Ottoman power is made to depend on a point so precarious, as their accepting the proposal which the right hon gentleman thought fit to agree to for them, within the space of four months. And what is this proposal? Why that the Turks should give up, not only the object of the war they had begun, but this very Oczakow, which of itself was sufficient, in the hands of Russia, to overturn the balance. If therefore, it was so important to recover Oczakow, it is not recovered, and ministers ought to be censured. If unimportant, they ought never to have demanded it. If so unimportant they ought to be censured for arming; but if so important as they have stated it, they ought to be censured for disarming without having gained it. Either way, therefore, the argument comes to the same point, and I care not on which side the gentlemen choose to take it up: for whether Oczakow be, as they told us last year, the key to Constantinople, on the preservation of which to Turkey the balance of Europe depended, or, as they must tell us now, of no comparative importance, their conduct is equally to be condemned for disarming and pusillanimously yielding up the object, in the first instance; for committing the dignity of their sovereign, and hazarding the peace of their country, in the second.

But they tell us: "It is unfair to involve us in this dilemma; there was a

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middle course to be adopted. Oczakow was certainly of much importance; but this importance was to be determined upon by circumstances." Sir, we are become nice, indeed, in our political arithmetic. In this calculating age, we ascertain to a scruple what an object is really worth. Thus, it seems, that Oczakow was worth an armament but not worth a war; it was worth a threat, but not worth carrying that threat into execution. Sir I can conceive nothing so degrading and dishonourable, as an argument such as this. To hold out a menace, without ever seriously meaning to enforce it, constitutes in common language, the true description of a bully; applied to the transactions of a nation, the disgrace is deeper, and the consequences fatal to its honour. Yet such is the precise conduct the king's ministers have made the nation to hold in the eyes of Europe, and which they defend by an argument, which, if urged in private life, would stamp a man with the character of a coward and a bully, and sink him to the deepest abyss of infamy and degradation. Sure I am that this distinction never suggested itself to the reflection of a noble duke (the duke of Leeds), whose conduct throughout the whole of this business has evinced the manly character of his mind, unaccustomed to such calculations. From him we learn the fact. He said, in his place, that his colleagues thought it fit to risk a threat to recover Oczakow, but would not risk a war for it. Such conduct was not for him! It might suit the characters of his colleagues in office, it could not suit his. But they say it might be worth a war, with the public opinion, but worth nothing without it. I cannot conceive any case, in which a great and wise nation, having committed itself by a menace, can withdraw that menace without disgrace. The converse of the proposition I can easily conceive—that there may be a case, for instance, not fit to be asked at all, but which being asked for, and with a menace, it is fit to insist upon. This undoubtedly goes to make a nation like an individual, cautious of committing itself, because there is no ground so tender as that of honour. How do ministers think on this subject? Oczakow was every thing by itself, but when they added to Oczakow the honour of England, it became nothing. Oczakow by itself threatened the balance of Europe. Oczakow and honour weighed nothing in the scale. Honour is, in their political arithmetic, a *minus* quantity, to be subtracted from the value of Oczakow. Sir, I am ashamed to state this reasoning; nor can I reflect on the foul stain it has fixed on the English name, without feeling mortified and humbled indeed. Their late colleague, the noble duke, urged his sentiments with the feelings that became him; feelings that form a striking contrast to those that actuate the right hon. gentleman. He told his country, that when he had made up his mind to the necessity of demanding Oczakow, it was his opinion that it might have been obtained without a war; but having once demanded it, he felt it his duty not to shrink from the war that might ensue from the rejection of that demand, and preferred the resignation of his office to the retracting that opinion.

His majesty's ministers tell us, however, and seem to value themselves much upon it, that in abandoning the object for which they had armed, they acted in conformity to public opinion. Sir, I will state fairly my sentiments on this subject too. It certainly is right and prudent to consult the public opinion; it is frequently wise to attend even to public prejudices, on subjects of such infinite importance, as whether they are to have war or peace. But if, in the capacity of a servant of the Crown, I were to see, or strongly to imagine that I saw, any measures going forward that threatened the peace or prosperity of the country, and if the emergency was so pressing, as to demand the sudden adoption of a decisive course to avert the mischief, I should not hesitate one moment to act upon my own opinion. If the public opinion did not happen to square with mine; if after pointing out to them the danger, they did not see it in the same light with me, or if they conceived that another remedy was preferable to mine, I should consider it as due to my king, due to my country, due to my own honour, to retire, that they might pursue the plan which they thought better, by a fit instrument, that is, by a man who thought with them. Such would be my conduct on any subject where conscientiously I could not surrender my opinion. If the case was doubtful, or the emergency not so pressing, I should be ready, perhaps, to surrender my opinion to that of the public; but, one thing is most clear in such an event as this, namely, that I ought to give the public the means of forming an opinion. Do I state this difference fairly? If

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I do, and if the gentlemen over against me will admit, that in the instance before us the public opinion ought to have influenced them, it follows, that the public opinion ought to have been consulted, before we were committed in the eyes of Europe, and that the country ought to have had the information necessary to form their judgment upon the true merits of this question. Did the king's ministers act thus? Did they either take the public opinion, or give us the means of forming one? Nothing like it. On the 28th of March the message was brought down to this House. On the 29th, we passed a vote of approbation, but no opinion was asked from us, no explanation was given us; so far from it, we were expressly told, our advice was not wanted; that we had nothing to do with the prerogative of the crown to make war; that all our business was to give confidence. So far with regard to this House; and I cannot help thinking this conduct somewhat hard upon the majority, who certainly might have counted for something in the general opinion, when the right hon. gentleman was collecting it; if he meant fairly so to do. I grant, indeed, that there are many ways by which the feeling and temper of the public may be tolerably well known out of this House, as well as in it. I grant that the opinion of a respectable meeting at Manchester, of a meeting at Norwich, of a meeting at Wakefield, of public bodies of men in different parts of England, might give the right hon. gentleman a correct idea of the public opinion. Permit me to say too, that in the speeches of the minority of this House, he might find also the ground of public opinion—both what might give it rise, and what might give it countenance. But was the majority of this House the only body whose opinions were not worth consulting? "I travelled to Norwich, to York, Manchester, Wakefield, for opinions," will the right hon. gentleman say? "I listened to the minority, I looked to lord Stormont, to the earl of Guilford; but as to you, my trusty majority, I did not look to you. I had other business for you. It is not your office to give opinions; your business is to confide. You must pledge yourselves, in the first instance, to all I can ask from you, and perhaps some time in the next year I may condescend to let you know the grounds on which you are acting." Such is the language he holds to us, if his conduct were to be explained by words: and a conduct more indecent or preposterous is not easily to be conceived. For it is neither more nor less than to tell us: "When I thought the Ottoman power in danger, I asked for an armament to succour it. You approved and granted it to me. The public sense was against me, and without minding you, I yielded to that sense. My opinion, however, remains still the same, though it must be confessed, that I led you into giving a sanction to my schemes, by a species of reasoning which it appears the country has saved itself by resisting. But they were to blame. I yet think that the exact contrary of what was done ought to have been done; and that the peace and safety of Europe depended upon it. But never mind how you voted, or how directly opposite to the general opinion, with which I complied, was that opinion I persuaded you to support. Vote now that I was right in both—in the opinion I still maintain, and in my compliance with its opposite. The peace of Europe is safe; I keep my place, and all is right again."

But, after all, the right hon. gentleman did not act from any deference to the public opinion; and to prove this, I have but to recall to your recollection dates. The message was brought down, as I said before, on the 28th of March; and in less than a week, I believe in four days, afterwards, before it was possible to collect the opinion of any one public body of men, their whole system was reversed. The change, therefore, could not come from the country, even had they been desirous of consulting it. But I have proved that they were not desirous to have any opinion from any quarter: they came down with their purposes masked and veiled to this House, and tried all they could to preclude inquiry into what they were doing. These are not the steps of men desirous of acting by opinion. I hold it, however, to be now acknowledged, that it was not the public opinion, but that of the minority in this House, which compelled the ministers to relinquish their ill-advised projects; for a right hon. gentleman, who spoke last night, (Mr. Dundas), owned the truth, in his own frank way. "We certainly," said he, "do not know that the opinion of the public was against us; we only know that a great party in this House was against us, and therefore we apprehended, that though one campaign might

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have been got through, at the beginning of the next session they would have interrupted us in procuring the supplies." I believe I quote the right hon. gentleman correctly; and here, Sir, let me pause, and thank him for the praise which he gives the gentlemen on this side the House. Let me indulge the satisfaction of reflecting, that though we have not the emoluments of office, nor the patronage of power, yet we are not excluded from great influence on the measures of government. We take pride to ourselves, that at this moment we are not sitting in a committee of supply, voting enormous fleets and armies to carry into execution this calamitous measure. To us he honestly declares this credit to be due; and the country will, no doubt, feel the gratitude they owe us, for having saved them from the miseries of war. An hon. gentleman, indeed, (Mr. Jenkinson), has told us, that our opposition to this measure in its commencement occasioned its having been abandoned by the ministers; but he will not allow us the merit of having saved the country from a war by our interposition, but charges us with having prevented their obtaining the terms demanded, which would have been got without a war. I am glad to hear this argument; but must declare, in the name of the minority, that we think ourselves most unfairly treated by it, and forced into a responsibility that belongs, in no manner whatever, to our situation. The right hon. gentleman, when repeatedly pressed on this subject, during the last session, was uniform in affirming, that he had reasons for his conduct, to his mind so cogent and unanswerable, that he was morally certain of the indispensable necessity of the measures he was pursuing. He has said the same since, and to this hour continues his first opinion. If, therefore, the right hon. gentleman thought so, and thought at the same time that our arguments were likely to mislead the country from its true interests, why did he continue silent? If public opinion was so necessary for him, that without it, as he tells us now, he could not proceed a single step, why did he suffer us to corrupt the passions, to blind and to pervert the understandings of the public, to a degree that compelled his sacrifice of this essential measure? Why did he quietly, and without concern, watch the prevalence of our false arguments? Why did he sanction their progress, by never answering them, when he knew the consequence must necessarily be, to defeat his dearest object, and put the safety of his country to the hazard? Why did he not oppose some antidote to our poison? But, having neglected to do this (because of his duty to preserve state secrets, as he would have us believe), what possible pretext has he to come forward now and accuse us of thwarting his views, or to cast the responsibility of his failure and disgrace upon us, whose arguments he never answered, and to whom he obstinately and invariably refused all sort of information, by which we might have been enabled to form a better judgment, and possibly to agree with him on this subject? The right hon. gentleman, however, (Mr. Dundas), judges more fairly of us; and I thank him for the handsome acknowledgment he has paid to the true character of the gentlemen on this side of the House; for by owning, that because we did not happen to approve of this armament it was abandoned, he owns another fact—that we are not what an hon. gentleman chose to represent us, an indiscriminate faction, disapproving of every thing, right or wrong. This is clearly manifest from his own admissions; for, giving up when they found we disapproved, they must have begun in the idea that we should approve. We approved in the case of Holland, and in the case of Spain. In the first case we did so, because the rectitude of the thing was so clear, that every well-wisher to England must approve it. We did so in the case of Spain, because the objects were explained to us—the result given, and the reparation demanded, were both before us. But had the right hon. gentleman any right, because we agreed to the Dutch and Spanish armaments, to anticipate the consent of opposition to this? It was insulting to impute the possibility to us! What! agree to take the money out of the pockets of the people, without an insult explained, or an object held up! It is said the object was stated, and that the means only were left to conjecture. That the object proposed to the House, was an armament to make a peace, and Oczakow was supposed to be the means by which that peace was to be effected. Sir, it is almost constantly my misfortune to be differing from the right hon. gentleman as to the import of the words "object" and "means." In my way of using these words, I should have directly transposed them, and called the armament the

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means of effecting peace, and Oczakow the object of that armament. And the event proves that ministers thought as I do; for they gave up that object, because they knew they could get the end they proposed by their armament without it. This object, indeed, whatever was its importance, whether it was or was not, as we have alternately heard it asserted and denied, the key of Constantinople, nay, as some wild and fanciful people had almost persuaded themselves, the key to our possessions in the East Indies, the king's ministers have completely renounced; and seem by their conduct to have cared very little what became of that or of Constantinople itself. The balance of Europe, however, is perfectly safe, they tell us; and on that point we have nothing more to apprehend. The enormous accession of power to Russia, from the possession of Oczakow, so far from affecting Great Britain, is not likely, according to what the ministers assure us, to disturb the tranquillity of her nearest neighbours. I must here remind an hon. gentleman, who spoke so much on the balance of Europe, (Mr. Jenkinson), that he did not seem to pay sufficient attention to Poland, as if that country, now become in some degree able to act for itself, from the change in its constitution, was of no moment, or incapable of having an influence in any manner upon his system of treaties and attacks. That Oczakow, therefore, was at any time an object sufficient to justify their interference, I have stated many reasons for concluding will not be alleged this night. Some of the gentlemen on the other side, indeed, have advanced other grounds, and told us (I confess it is for the first time), that in this war the empress of Russia was the aggressor; that on her part the war was offensive, and that it became us to interfere to stop her progress. They tell us of various encroachments in the Cuban, of hostilities systematically carried on in violation of treaties, and many other instances; not one of which they have attempted to prove by a single document, or have rested on any other foundation than their own assertions. But to these, Sir, I shall oppose the authority of ministers themselves; for, in one of the dispatches of the duke of Leeds to Mr. Whitworth, he desires him to communicate to the court of Petersburgh, that if they will consent to make peace with the Turks on the *status quo*, the allies will consent to guarantee the Crimea to them, "the object of the war," as he states it to be. I desire no farther proof than this, that we always considered the Turks as the aggressors; for it follows, that where any place, in the possession of one power, is made the object of a war by another, the power claiming that object is the aggressor. If, for example, we were at war with Spain, and Gibraltar the object, Spain of course would be the aggressor: the contrary, if the Havannah were the object. The king of England, therefore, by the dispatch which I have quoted, has, in words and in fact, acknowledged the Turks to have been the aggressors in this war, by making pretensions to a province solemnly ceded to Russia in the year 1783. I can scarcely think that ministers mean to contend, that session by treaty does not give right to possession. Where are we to look, therefore, to ascertain the right of a country to any place or territory, but to the last treaty? To what would the opposite doctrine lead? France might claim Canada, ceded in 1763, or we Tobago, ceded in 1783. It might be urged that they took advantage of our dispute with our own colonies, and that the treaty gave no right. Canada, Jamaica, every thing might be questioned. Where would be the peace of Europe, if these doctrines were to be acted on? Every country must continue in a state of endless perplexity, armament, and preparation. But happily for mankind, a different principle prevails in the law of nations; there the last treaty gives the right, and upon that we must aver, that if, as the dispatch says, the Crimea was the object, the Turk was the aggressor. What, therefore, was the right claimed by the right hon. gentleman to enter into this dispute? I will answer, the right of a proud man, anxious to play a lofty part. France had gone off the stage; the character of the miserable disturber of empires was vacant, and he resolved to boast and vapour, and play his antic tricks and gestures on the same theatre. And what has been the first effects of this new experiment, upon the policy and character of the British nation? That in the pride of our power we have miserably disgraced ourselves in the eyes of Europe; that the name of his majesty has been sported with and stained; that the people of England have been inflamed, their commerce disturbed, the most valuable citizens dragged from their houses, and half a million of

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money added to the public burthens! And here, Sir, in justice to my own feelings, I cannot pass over wholly in silence the fate of that valuable body of our fellow-citizens, who are more particularly the victims of these false alarms, and by whom the most bitter portion of the common calamity must be borne. I am compelled to admit, that every state has a right, in the season of danger, to claim the services of all, or any of its members; that the "*salus populi, suprema lex est.*" Tenderness and consideration in the use of such extensive powers is all I can recommend to those whose business it is to call them into action. But here I must lament, in common with every feeling mind, that unnecessary barbarity which dragged them from their homes, deprived them of their liberty, and tore them from the industrious exercise of those modes of life by which they earned support for their families, wantonly, cruelly, and without pretext, because without the smallest intention of employing them. The gentlemen well know what I state to be a fact; for they know that their system was changed, and their object abandoned, before even they had begun to issue press-warrants.

I return, Sir, to the disagreeable condition in which the right hon. gentleman has involved us. Let us see whether what I have said on this point be not literally true. The empress of Russia offered, early in the year 1790, to depart from the terms she had at first thrown out, namely, that Bessarabia, Wallachia, and Moldavia, should be independent of the Ottoman power. This it appears, she yielded upon the amicable representations of the allied powers, and substituted in the room of them those conditions which have since been conceded to her, namely that the Dniester should be the boundary between the two empires, and all former treaties should be confirmed. "Then," say ministers, "if we gained this by simple negociation, what may we not gain by an armament?" Thus judging of her pusillanimity by their own, they threatened her. What did she do? Peremptorily refused to depart one atom from her last conditions; and these, I assert, were in the possession of his majesty's ministers long before the armament: they knew not only this early in the month of March, but likewise the resolution of the empress not to rise in her demands, notwithstanding any farther success that might attend her arms. The memorial of the court of Denmark, which they have, for reasons best known to themselves, refused us, but which was circulated in every court, and published in every newspaper in Europe, fully informed them of these matters. But the king's ministers, with an absurdity of which there is no example, called upon the country to arm. Why? Not because they meant to employ the armament against her, but in the fanciful hope, that because, in an amicable negociation, the empress had been prevailed upon not to press the demand of Wallachia, Moldavia, and Bessarabia, as independent sovereignties, they should infallibly succeed, by arming, and not employing that armament, in persuading her to abandon all the rest! And what is the end? Why, that after pledging the king's name, in the most deliberate and solemn manner; after lofty vapouring, menacing, promising, denying, turning and turning again; after keeping up the parade of an armament for four months, accompanied with those severe measures, to be regretted even when necessary, to be reprobated when not, the right hon. gentleman crouches humbly at her feet: intreats, submissively supplicates of her moderation, that she will grant him some small trifle of what he asks, if it is but by way of a boon; and finding at last that he can get nothing either by his threats or his prayers, gives up the whole, precisely as she had insisted upon having it!

The right hon. gentleman, however, is determined that this House shall take the whole of this disgrace upon itself. I heard him, with much delight, on a former day, quote largely from that excellent philosophical work, "The Wealth of Nations." In almost the first page of that book, he will find it laid down as a principle, that by a division of labour in the different occupations of life, the objects to which it is applied are perfected; time is saved, dexterity improved, and the general stock of science augmented: that by joint effort, and reciprocal accommodation, the severest tasks are accomplished and difficulties surmounted, too stubborn for the labour of a single hand. Thus, in the building of a great palace, we observe the work to be parcelled out into different departments, and distributed and subdivided into various degrees, some higher, some lower, to suit the capacities and condition of those who are employed in its construction. There is the architect who invents

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the plan and erects the stately columns; there is the dustman and the nightman to clear away the rubbish. The right hon. gentleman applies these principles to his politics, and in the division and cast of parts for the job we are now to execute for him, has reserved for himself the higher and more respectable share of the business, and leaves all the dirty work to us. Is he asked why the House of Commons made the armament last year? He answers, "the House of Commons did not make the armament! I made it. The House of Commons only approved it."—Is he asked why he gave up the object of the armament, after he had made it? "I did not give it up!" he exclaims: "I think the same of its necessity as ever: it is the House of Commons that gives it up: it is this House that supports the nation in their senseless clamour against my measures: it is to this House that you must look for the shame and guilt of your disgrace." To himself he takes the more conspicuous character of menacer. It is he that distributes provinces, and limits empires; while he leaves to this House the humbler office of licking the dust, and begging forgiveness:

"Not mine these groans——
These sighs that issue, or these tears that flow."

"I am forced into these submissions by a low, contracted, grovelling, mean-spirited, and ignorant people!" But this is not all, It rarely happens, that in begging pardon, when men determine upon that course, they have not some benefit in view, or that the profit to be got is not meant to counterbalance, in some measure, the honour to be sacrificed. Let us see how the right hon. gentleman managed this. On the first indication of hostile measures against Russia, 135 members of this House divided against the adoption of them. This it was, according to a right hon. gentleman (Mr. Dundas), that induced ministers to abandon their first object; but not like the duke of Leeds, who candidly avowed that if he could have once brought himself to give up the claim of Oczakow, he would not have stood out for the rasing its fortifications, or any such terms. The ministers determine that the nation at least shall reap no benefit from the reversal of their system. "You have resisted our projects," say they; "you have discovered and exposed our incapacity; you have made us the ridicule of Europe, and such we shall appear to posterity: you have defeated, indeed, our intentions of involving you in a war; but you shall not be the gainers by it! you shall not save your money! We abandon Oczakow, as you compel us to do, but we will keep up the armament, if it is only to spite you!"

Determined to act this disgraceful part, their next care was to do it in the most disgraceful manner; and as they had dragged parliament and their king through the dirt and mire, they resolved to exhibit them in this offensive plight to the eyes of Europe. To do this, they did not care to trust to the minister we had at Petersburgh; a gentleman distinguished for amiable manners, and a faithful, vigilant, and able discharge of his duty. Why was the management of the negociation taken from him? Was he too proud for this service? No man should be too proud to do his duty; and of all our foreign ministers, Mr. Whitworth I should think the very last, to whom it could be reproached that he was remiss in fulfilling the directions he receives, in their utmost strictness. But a new man was to be found; one whose reputation for talents and honour might operate, as they hoped, as a sort of set-off against the incapacity he was to cure, and the national honour he was deputed to surrender. Was it thus determined, because in looking round their diplomatic body, there was no man to be selected from it, whose character assimilated with the dirty job he was to execute? As there was honour to be sacrificed, a stain to be fixed upon the national character, engagements to be retracted, and a friend to be abandoned, did it never occur to them that there was one man upon their diplomatic list, who would have been pronounced by general acclamation throughly fitted in soul and qualities for this service? Such a person they might have found, and not so occupied as to make it inconvenient to employ him; they would have found him absent from his station, under the pretence of attending his duty in this House, though he does not choose often to make his appearance here. Instead of this, however, they increased the dishonour that they doomed us to suffer, by sending a gentleman endowed with every virtue and accomplishment, who had acquired, in the service of the empress of Russia, at an early period of his life, a character for bravery and enterprise, that rendered him personally esteemed by her, and in whom fine talents

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and elegant manners, ripened by habit and experience, had confirmed the flattering promise of his youth. Did they think that the shabbiness of their message was to be done away by the worth of the messenger? If I were to send a humiliating apology to any person, would it change its quality by being entrusted to lord Rodney, admiral Pigot, my hon. friend behind me (General Burgoyne), lord Cornwallis, sir Henry Clinton, sir William Howe, or any other gallant and brave officer? certainly not. It was my fortune, in very early life, to set out in habits of particular intimacy with Mr. Faulkener, and however circumstances may have intervened to suspend that intimacy, (circumstances arising from wide differences in political opinion,) they never have altered the sentiments of private esteem which I have uniformly felt for him; and, with every amiable and conciliating quality that belongs to man, I know him to be one from whom improper submissions are the least to be expected.

Well, Sir, these gentlemen, Mr. Whitworth and Mr. Faulkener, commence the negociation, by the offer of three distinct propositions, each of them better than the other, and accompany it with an expression somewhat remarkable, namely, that this negociation is to be as unlike all the others as possible, and to be "founded in perfect candour." To prove this, they submit at once to the Russian ministers "all that their instructions enable them to propose." Who would not have imagined, according to the plain import of these words, that unless the empress had assented to one of these propositions, all amicable interposition would have been at an end, and war the issue? The "perfect candour" promised in the beginning of their note, leads them to declare explicitly, that unless the fortifications of Oczakow are rased, or the Turks are allowed as an equivalent to keep both the banks of the Dniester, the allies cannot propose any terms to them. What answer do they receive? An unequivocal rejection of every one of their propositions; accompanied, however, with a declaration, to which I shall soon return, that the navigation of that river shall be free to all the world, and a reference to those maxims of policy which have invariably actuated the empress of Russia in her intercourse with neutral nations, whose commerce she has at all times protected and encouraged. With this declaration the British Plenipotentiaries declare themselves perfectly contented: nay more, they engage that if the Turks should refuse these conditions, and continue obstinate longer than four months, the allied courts "will abandon the termination of the war to the events it may produce." And here ends for ever all care for the Ottoman empire, all solicitude about the balance of power. The right hon. gentleman will interpose no farther to save either, but rests the whole of a measure, once so indispensable to our safety, upon this doubtful issue—whether the Turks will accept in December those very terms which, in July, the British ministers could not venture to propose to them!

Sir, we may look in vain to the events of former times for a disgrace parallel to what we have suffered. Louis the 14th, a monarch often named in our debates, and whose reign exhibits more than any other the extremes of prosperous and of adverse fortune, never, in the midst of his most humiliating distresses, stooped to so despicable a sacrifice of all that can be dear to man. The war of the succession, unjustly begun by him, had reduced his power, had swallowed up his armies and his navies, had desolated his provinces, had drained his treasures, and deluged the earth with the blood of the best and most faithful of his subjects. Exhausted by his various calamities, he offered at one time to his enemies to relinquish all the objects for which he had begun the war; that proud monarch sued for peace, and was content to receive it from our moderation. But when it was made a condition of that peace that he should turn his arms against his grand-son, and compel him by force to relinquish the throne of Spain—humbled, exhausted, conquered as he was, misfortune had not yet bowed his spirit to conditions so hard as these. We know the event: he persisted still in the war, until the folly and wickedness of queen Ann's ministers enabled him to conclude the peace of Utrecht, on terms considerably less disadvantageous even than those he had himself proposed. And shall we, Sir, the pride of our age, the terror of Europe, submit to this humiliating sacrifice of our honour? Have we suffered a defeat at Blenheim? Shall we with our increasing prosperity, our widely-diffused capital, our navy, the just subject of our common exultation, our overflowing coffers, that enable us to give back to the people what, in the hour of calamity,

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we were compelled to take from them; flushed with a recent triumph over Spain, and yet more than all, while our old rival and enemy is incapable of disturbing us, shall it be for us to yield to what France disdained in the hour of her sharpest distress, and exhibit ourselves to the world the sole example in its annals of such an abject and pitiful degradation?

But gentlemen inform us now, in justification, as I suppose they mean it, of all these measures, that to effect a peace between Russia and the Porte, was only the ostensible cause of our armament, or at least not the sole cause; and that ministers were under some apprehension lest the emperor, if the allies were to disarm, should insist on better terms from the Turks, than he had agreed to accept by the convention of Reichenbach. This I cannot believe. When his majesty sends a message to inform his parliament, that he thinks it necessary to arm for a specific purpose, I cannot suppose that a falsehood has been put into his majesty's mouth; and that the armament, which he proposes as necessary for one purpose, is intended for an other. If the right hon. gentleman shall tell me, that although the war between Russia and the Porte was the real cause of equipping the armament, yet that being once equipped, it was wise to keep it up when no longer wanted on that account, because the emperor seemed inclined to depart from the convention of Reichenbach; then I answer, that it was his duty to have come with a second message to parliament, expressly stating this new object, with the necessary information, to enable the House to judge of its propriety.

Another of the arguments for continuing the armament after the object was relinquished, is, that Russia might have insisted on harder terms, not conceiving herself bound by offers which we had rerefused to accept. I perfectly agree with gentlemen, that after the repeated offer of those terms, on the part of Russia, and the rejection of them by us, the empress was not bound to adhere to them, in all possible events and contingencies. If the war had continued, she would have had a right to farther indemnifications for the expense of it. But was it not worth the minister's while to try the good faith of the empress of Russia, after she had so solemnly pledged herself to all Europe that she would not rise in her demands? The experiment would have been made with little trouble; by the simple expedient of sending a messenger to ask the question. The object of his armament would have suffered little by the delay, as an answer from the Russian court might have been had in five or six weeks. Was it reasonable in ministers to suppose, that because, in the early part of the negociation, the empress had shown so much regard to us, as actually to give up whatever pretensions she had formed to other provinces of the Turkish empire, solely with the view of obtaining our concurrence to the principle on which she offered to make peace, she would revert to those very pretensions the instant she had obtained that concurrence on our part, for the benefit of which she had sacrificed them? Surely, as I have said, it was worth while to make the experiment: but simple and obvious as this was, a very different course was adopted. Oczakow, indeed, was relinquished before the armament began, as we may find by comparing the date of the presswarrants with that of the duke of Leed's resignation. As soon as the king's message was delivered to parliament, a messenger was dispatched to Berlin with an intimation of the resolution to arm. This, perhaps, was rashly done: as they might have foreseen that the measure would probably meet with opposition, and much time could not have been lost by waiting the event of the first debate. No sooner was the division known, than a second messenger was sent off to overtake and stop the dispatches of the first; and this brings me to another argument, which I confess appears to me very unlikely to help them out. They tell us, that the king of Prussia having armed in consequence of our assurances of support, we could not disarm before we knew the sentiments of the court of Berlin, without the imputation of leaving our ally in the lurch. Did we wait for the sentiments of that court to determine whether Oczakow was to be given up or not? Sir, when that measure was resolved upon, the right hon. gentleman actually had abandoned his ally: and that such was the general sense of the court of Berlin, I believe can be testified by every Englishman who was there at the time. No sooner did the second messenger arrive, and the contents of his dispatches become known, than a most general indignation arose against the conduct of the right hon. gentleman; and I am well enough informed on the subject to state to this House, that not an Englishman could show his face in that

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capital, without exposing himself to mortification, perhaps to insult.

But, Sir, between the 28th of April, when the message was brought down to this House, and the 2d or 3d of May, when the second messenger was dispatched with the news that ministers had abandoned the object of it, the armament could not have been materially advanced. Why, then, was it persisted in? The right hon. gentleman cannot argue, that he kept up the armament in compliance with his engagements with Prussia, when the armament, in fact, did not exist, and when it had been begun but four or five days previous to his renouncing the object of it. That could not have been his motive. What, then, was the motive? Why, that he was too proud to own his error, and valued less the money and tranquillity of the people, than the appearance of firmness, when he had renounced the reality. False shame is the parent of many crimes. By false shame a man may be tempted to commit a murder, to conceal a robbery. Influenced by this false shame, the ministers robbed the people of their money, the seamen of their liberty, their families of support and protection, and all this to conceal that they had undertaken a system which was not fit to be pursued. If they say that they did this, apprehensive that without the terror of an armament Russia would not stand to the terms which they had refused to accept, they do no more than acknowledge, that by the insolence of their arming, and the precipitancy of their submission, they had either so provoked her resentment, or excited her contempt, that she would not even condescend to agree to her own propositions when approved by them. But, however they might have thought her disposed to act on this subject, it was at least their duty to try whether such would have been her conduct or not.

To prove that the terms to which they agreed at last were the same with those they before rejected, all I feel it necessary for me to observe is, that the free navigation of the river Dniester, the only novelty introduced into them, was implied in proposing it as a boundary; for it is a well known rule, that the boundary between two powers, must be as free to the one as to the other. True, says the minister, but we have got the free navigation for the subjects of other powers, particularly for those of Poland. If this be an advantage, it is an advantage he has gained by concession: for if he had not agreed that the river should be the boundary, the navigation, would not have been free. The Turks offered no such stipulation, had they been put in possession of both the banks; besides which, as a noble duke, whom I have already quoted, well observed, it is an advantage, whatever may be its value, which can subsist only in time of peace. It is not, I suppose, imagined that the navigation will be free in time of war. They have then got nothing that deserves the name of a "modification," a term, I must here observe, the use of which is not justified even by the original memorial, where the sense is more accurately expressed by the French word "radoucissement. Was it, then, for some radoucissement that they continued their armament? Was it to say to the empress, when they had conceded every thing, "We have given you all you asked; give us something that we may hold out to the public, something that we may use against the minority; that minority whom we have endeavoured to represent as your allies. We have sacrificed our allies, the Turks, to you; you can do no less than sacrifice your allies, the minority, to us?" If I had been to advise the empress on the subject, I would have counselled her—grant the British minister something of this sort. I would even have advised her to raze the fortifications of Oczakow, if he had insisted on it; I would have appealed from her policy to her generosity, and said, grant him this as an apology, for he stands much in need of it. His whole object was to appear to gain something, no matter what, by continuing the armament, and even in this last pitiful and miserable object he has failed.

If, after all, I ask, whether these terms are contained in the peace that we have concluded for the Turks, or rather which the Turks concluded for themselves, the answer is, "We have no authentic copy of it." Is this what we have got by our arms, by distressing our commerce, dragging our seamen from their homes and occupations, and squandering our money? Is this the efficacy of our interference and the triumph of our wisdom and our firmness? The Turks have at length concluded a peace, of which they do not even condescend to favour us with a copy, so that we know what it is only by report, and the balance of Europe, lately in so much danger, and of so much importance, is left for them to settle without consulting

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us! Is it for this that we employ such men as Mr. Fawkener and Mr. Whitworth? They were sent to negociate for the materials of a speech, and failed. But what are the complaints that private friendship has a right to make compared with those of an insulted public? Half a million of money is spent, the people alarmed and interrupted in their proper pursuits by the apprehension of a war, and for what? For the restoration of Oczakow? No; Oczakow is not restored. To save the Turks from being too much humbled? No; they are now in a worse situation than they would have been had we never armed at all. If Russia had persevered in that system of encroachment of which she is accused, we could, as I observed before, then have assisted them unembarrassed. We are now tied down by treaties, and fettered by stipulations! we have even guaranteed to Russia what we before said it would be unsafe for the Turks to yield, and dangerous to the peace of Europe for Russia to possess. This is what the public have got by the armament. What, then, was the private motive?

"Scilicet, ut Turno contingat regia conjux,
Nos, animæ viles, inhumata inflectaque turba,
Sternamur campis."

The minister gained, or thought he was to gain, an excuse for his rashness and misconduct, and to purchase this excuse, were the public money and the public quiet wantonly sacrificed. There are some effects, to combine which with their causes, it is almost sufficient to drive men mad. That the pride, the folly, the presumption of a single person, shall be able to involve a whole people in wretchedness and disgrace, is more than philosophy can teach mortal patience to endure. Here are the true weapons of the enemies of our constitution! Here may we search for the source of those seditious writings, meant either to weaken our attachment to the constitution, by depreciating its value, or that loudly tell us we have no constitution at all. We may blame, we may reprobate such doctrines, but while we furnish those who circulate them with arguments such as these; while the example of this day shows us to what degree the fact is true, we must not wonder if the purposes they are meant to answer be but too successful. They argue, that a constitution cannot be right where such things are possible; much less so when they are practised without punishment. This, Sir, is a serious reflection to every man who loves the constitution of England. Against the vain theories of men who project fundamental alterations upon grounds of mere speculative objection, I can easily defend it; but when they recur to these facts, and show me how we may be doomed to all the horrors of war, by the caprice of an individual, who will not even condescend to explain his reasons, I can only fly to this House, and exhort you to rouse from your lethargy of confidence, into the active mistrust and vigilant control which your duty and your office point out to you.

Without recurring to the dust to which the minister has been humbled, and the dirt he has been dragged through, if we ask for what the peace of the public has been disturbed—for what that man is pressed and dragged like a felon to a service that should be honourable? We must be answered—for some three quarters of a mile of territory on the banks of the Dniester; In the name of all we value, give us, when such instances are quoted in derogation of our constitution, some right to answer, that these are not its principles, but the monstrous abuses intruded into its practice. Let it not be said, that because the executive power, for an adequate and evident cause, may adopt measures that require expense without consulting parliament, we are to convert the exception into the rule; to reverse the principle; and that it is now to be assumed that the money of the people may be spent for any cause, or for none, without either submitting the exigency to the judgment of their representatives, or inquiring into it afterwards, unless we can make out ground for a criminal charge against the executive government. Let us disclaim these abuses, and return to the constitution. I am not one of those who lay down rules as absolute, but I maintain the general rule to be, that before the public money is voted away, the occasion that calls for it should be fairly stated, for the consideration of those who are the proper guardians of the public money. Had the minister explained his system to parliament, before he called for money to support it, and had parliament decided that it was not worth supporting, he would have been saved the mortification and disgrace in which his own honour is involved, and by being furnished with a just excuse to

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Prussia for withdrawing from the prosecution of it, have saved that of his sovereign and his country, which he has irrecoverably tarnished. Is unanimity necessary to his plans? He can be sure of it in no manner, unless he explain them to this House, who are certainly much better judges than himself of the degree of unanimity with which they are likely to be received. Why, then, did he not consult us? Because he had other purposes to answer in the use he meant to make of his majority. Had he opened himself to the House, and had we declared agasint him, he might have been stopped in the first instance: had we declared for him, we might have held him too firmly to his principle, to suffer his receding from it as he has done. Either of these alternatives he dreaded. It was his policy to decline our opinions and to exact our confidence; that thus having the means of acting either way, according to the exigencies of his personal situation, he might come to parliament, and tell us what our opinions ought to be; which set of principles would be most expedient to shelter him from inquiry, and from punishment. It is for this he comes before us with a poor and pitiful excuse, that for want of the unanimity he expected, there was reason to fear, if the war should go to a second campaign, that it might be obstructed. Why not speak out and own the real fact? He feared that a second campaign might occasion the loss of his place. Let him keep but his place, and he cares not what else he loses. With other men, reputation and glory are the objects of ambition; power and place are coveted but as the means of obtaining them. For the minister, power and place are sufficient of themselves. With them he is content: for them he can calmly sacrifice every proud distinction that ambition covets, and every noble prospect to which it points the way.

Sir, there is yet an argument which I have not sufficiently noticed. It has been said, as a ground for the right hon. gentleman's defence, that he was prevented from gaining what he demanded by our opposition, and, but for this, that Russia would have complied and never would have hazarded a war. Sir, I believe the direct contrary, and my belief is as good as their assertion, unless they will give us some proof of its veracity. Until then, I have a right to ask them, what if Russia had not complied? Worse and worse for him! He must have gone on, redoubling his menaces and expenses, the empress of Russia continuing inflexible as ever, but for the salutary opposition which preserved him from his extremity of shame. I am not contending that armaments are never necessary to enforce negociations, but it is one, and that not the least of the evils attending the right hon. gentleman's misconduct, that by keeping up the parade of an armament, never meant to be employed, he has in a great measure deprived us of the use of this method of negociating, whenever it may be necessary to apply it effectually. For if you propose to arm in concert with any foreign power, that power will answer, "What security can you give me that you will persevere in that system? You say you cannot go to war, unless your people are unanimous." If you arm to negociate against a foreign power, that power will say, "I have only to persist—the British minister may threaten, but he dare not act—he will not hazard the loss of his place by a war." A right hon. gentleman (Mr. Dundas), by way of excuse for withholding the papers, asked us what foreign power would negociate with an English cabinet, if their secrets were likely to be developed, and exposed to the idle curiosity of a House of Commons? "Better have no dealings with them at all," I should answer, "if the right of inquiry into every part of a negociation they think fit, and of knowing why they are to vote the money of their constituents, be denied the House of Commons." But there is something like reason why no foreign power will negociate with us (and that a much better reason than a dread of disclosing their secrets), in the right hon. gentleman's example. I declare therefore for the genius of our constitution, against the practice of his majesty's ministers; I declare that the duties of this House are, vigilance in preference to secresy, deliberation in preference to dispatch. Sir, I have given my reasons for supporting the motion of my hon. friend; I will listen to the right hon. gentleman's defence with attention, and will retract wherever he shall prove me to be wrong.

Mr. *Pitt* said, the vehemence and violence which had been employed, and the splendid eloquence of the right hon. gentleman who had just sat down, had called the attention of this House to the subject now before it. His eloquence to whatever

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purpose it was directed, was always powerful; and he was happy that his arguments on this debate had been brought forward, and that he had taken the opportunity, at a time when it was fully awake, to draw their attention to his sentiments. He was also happy in the circumstance of the adjourned debate, as it had allowed the House to go more fully into the subject, and it was with peculiar satisfaction that, after having heard stated every thing that had been said on a former evening, as well as on this, he now rose with a very different temper and a very different view from that of the right hon. gentleman, to recall the attention of the House from that forcible appeal to their passions and imaginations, to what appeared to him to be the real subject before them. In stating the grounds on which he should have to call the attention of the House, he should endeavour to be as clear and as concise as possible; and notwithstanding the eloquence with which they had just heard one side of the subject maintained, he referred with confidence to the principles developed in the debate of yesterday, in a speech, which was still in the recollection of the House, and which, regarded as a specimen of clear eloquence, strong sense, justness of reasoning, and extensive knowledge, was, he believed wholly unexampled in any public assembly on a first essay, and would have done honour to the most practised speaker or statesman that ever delivered his sentiments within those walls.

In stating what occurred to him on this subject, he should confine the question within its real limits; and in the course of what he had to offer he should lay it down as a principle, that the measure in question was founded in policy, and that success was not unreasonably to be expected therefrom. The way in which the question was to be debated, appeared to him to be first, by desiring the House to recollect the principle of the measure, or the foundation of our continental connection; and then the policy, under all the circumstances of this case. Many gentlemen seemed to think, that the question of the balance of power had been improperly introduced into this subject. His hon. friend had, he was well aware, put his argument rather more broadly than the present motion required, but the way in which the question should be considered, was by recurring to the fundamental principle, namely, that of preserving the balance of power in Europe. When the subject had been first introduced into that House, it had been urged in its utmost extent; but now, when they came to the discussion of a motion upon it, they found it narrowed considerably, and the necessity of preserving the balance of power admitted universally as a principle not to be denied. The only matter of dispute, therefore, that remained was with regard to the application of that principle. He pointed out the absurdity of considering it in extremes, as had been the case on the preceding day by an hon. gentleman, who, by pushing the principle so far that it rested on nothing at last, had argued it most unjustly and unfairly. Mr. Pitt said, there was no system which, by a similar mode of reasoning, might not be pushed so far till it was lost sight of entirely. He went into an historical deduction of the policy of Europe, in endeavouring to preserve a rational balance of power, which had obtained so long since as the reign of Francis 1st, and then went over the ground that Mr. Jenkinson had stated as the foundation of the system of the continental connexions into which this country had entered, explaining the motives of our different alliances with Holland, with Prussia, and with the Porte. He showed, that the systematic political aim of Russia had been the establishment of a naval power in the Black Sea, and thence deduced the necessity of our forming a connexion with Turkey; he said that Montesquieu, who best understood the subject, expressly declared that the Turkish empire, although it undoubtedly contained in it many symptoms of decay, must last much longer than was generally imagined, because when an attack of an alarming nature should be made upon it, the European maritime powers would feel it to be their interest to come instantly to its aid, and rescue it from danger.—Having very much at large argued the policy of a system of continental alliance with the preservation of the balance of power, as the best means of checking and preventing the frequency of wars of ambition and conquest, Mr. Pitt came at length to the immediate consideration of the case in question, which he most amply discussed, admitting, with great candour to Mr. Fox, that in point of strict fact the Turks were the aggressors with regard to the late war, but contending, at the same time, that such had been the conduct of Russia towards the Porte, and such the

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indubitable proofs of her hostile intentions towards that power, that although the Turks struck the first blow, the war might fairly be termed a defensive war. He stated all the events of it, to the time that Russia called upon Great Britain and Prussia to mediate terms of peace between her and the Porte, on the proposition that, exclusive of Oczakow and its district, the provinces of Bessarabia, Moldavia, and Wallachia, should be dismembered from Turkey, and converted into an independent kingdom, and these terms the empress declared she proffered as a testimony of her "great moderation." Mr. Pitt stated all the progressive negociation, from this preliminary proceeding to the period of his coming down to the House with a message for an armament—a measure which he had no scruple to admit he had thought it his duty to advise. He then as fairly stated, that his majesty's ministers afterwards changed their opinions, and admitted that they had done so, because, on comparing the end, with the means, they had reason to think, in consequence of the change of circumstances, that they should not be able to obtain the object for which they had armed, without incurring greater difficulty, and being under the necessity of making exertions of a more extensive and protracted nature, than they thought it prudent to risk. He fully stated every part of the transaction, put it on its true merits, and left it to the impartial judgment of the House to decide, whether ministers, who could have no motive but an anxious desire to discharge their duty in the manner most likely to promote the interests of their country, merited the smallest censure, for having acted in an arduous dilemma to the best of their judgment, and with the strictest attention to the public welfare. He declared, he was far from insinuating, that the gentlemen on the other side of the House had not in their opposition to the measures of administration last year been actuated by the purest intentions, but looking at the negociation in the view in which he took of that transaction, under all its circumstances so far from joining with them in thinking as they did, that they had rendered an essential service to their country, he could not consider their triumph in any other light than as a triumph over the councils and interests of their country, and not its enemies. He reminded the right hon. gentleman of a question he had put to him the last session on a supply day, relative to 2,000 additional seamen, voted then, and of the answer he had given, as a proof that he had then a view to arming on account of the Russian negociation. After stating this very fully, he replied to a variety of misrepresentations that had been made in the course of the debate by different speakers, particularly by Mr. Fox and Mr. Sheridan, the former of whom he charged with having pushed his arguments for the purpose of aggravation to a degree of refinement beyond all reason; and of the latter, he said, if he were to attempt to correct all his mistatements, they were so abundant, that their correction alone would occupy an entire debate. He congratulated Mr. Fox on the triumphs which he had experienced in other places; and in answer to Mr. Sheridan's question as to what honours he (Mr. Pitt) imagined he should be received with if he went to Petersburgh, he said, he scarcely imagined he should have the honour of being placed in a gallery between two of the greatest orators of Greece and Rome. [Alluding to the bust of Mr. Fox placed by the empress of Russia between those of Demosthenes and Cicero.] He took notice of the paper read by Mr. Grey, as a part of his speech the preceding day, which, he said, the hon. gentleman had been so good as to introduce, without a date of either time or place, without stating to whom it was addressed, by whom it was written, or for what purpose. He had made a diligent inquiry at the proper offices after such a paper since the House had separated, but although he could find no trace, nor learn a syllable of any such paper ever having been heard of before, he had found two or three addresses sent over lately from the Ottoman court, but expressed in terms directly the reverse of those used in the paper produced by the hon. gentleman. He appealed to Mr. Fox, and asked if it was either decent or manly for that right hon. gentleman to have gone out of his way to allude, in an unhandsome manner, to an hon. gentleman in his absence, who was supposed to have been employed in a diplomatic capacity, and declared, that no man who had been honoured with the office of a minister at foreign courts had ever discharged his duty more ably, more honestly, or in a manner more creditably to himself, or more advantageously to his country, than the hon. gentleman who

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had been so illiberally alluded to. He recapitulated Mr. Sheridan's charge, that ministers had betrayed the interest of the Porte; that they had behaved treacherously to Austria, and to the Brabanters, and lastly, that they had conducted themselves with duplicity to their ally the king of Prussia. He denied the assertion in all its parts, declaring, that no one of the powers in question had the smallest ground whatever for complaint of breach of faith in the conduct of this country, but, on the contrary, that the conduct we had uniformly preserved towards each of them, had been such as to merit a very different character. At length Mr. Pitt concluded his speech with declaring, that he disdained to make any professions of his motives to the House, that the motives of a public man should be judged of by his actions, and that though it was confessedly his interest, by every possible means, to keep the kingdom at peace, yet that greatly as he wished for the continuance of that object, they ought to consider themselves as trustees for posterity; and, for one, he would not so far neglect his duty on account of the inconveniencies of the present moment, as to decline pursuing any measures that he conscientiously thought likely to secure the permanence of future tranquillity.

Mr. *Fox*, in reply, said:—With regard to what the right hon. gentleman has chosen to introduce into his speech, respecting compliments and honours conferred on me by the empress of Russia, I am ready now, and at all times, to declare, that if any foreign sovereign, in friendship with this country, shall pay me the compliment to think well of me, and testify it by those marks of distinction to which he has alluded, I shall feel myself highly gratified by such distinction. With regard to Russia, it has ever been my opinion, that she was the power in Europe, I will scarcely except even Holland, with whom the cultivation of reciprocal ties of friendship, both commercial and political, was most natural, and of the greatest consequence to this country. For the uniformity of this opinion, Sir, I appeal to my whole conduct, whether in or out of office. At the close of the American war, I thought Russia the power whose naval force joined with ours, might effectually counterbalance the united navies of the house of Bourbon. When I was again in office, I refused to concur in remonstrances to the court of Petersburgh against the seizure of the Crimea. I appeal farther to the sentiments delivered by me in this House, when I added my voice to those of the right hon. gentleman's supporters, in applauding the success of the measures taken to assist the stadtholder in 1787; when in avowing my approbation of what was done, I gave, as my principal reason for that approbation, the power it afforded us of forming alliances on the continent, and when I distinctly named Russia as one of those whose friendship it was of the highest importance to cultivate. The question was then put on the first resolution, which was negatived. On the second, the previous question was put and carried. On the third, the House divided:

Tellers.

Yeas	Mr. Whitbread, Mr. M. A. Taylor	116
Noes	Mr. Rose, Mr. Cawthorne	244

So it passed in the negative.

List of the Minority.

Adam, William	Fox, Charles James
Anson, Thomas	Francis, Philip
Anstruther, John	Gregg, Francis
Ashley, Cropley, hon.	Grenville, hon. Thos.
Barlow, Hugh	Grey, Charles
Beckford, Richard	Harcourt, John
Bentinck, lord E.	Hare, James
Benyon, Richard	Harrison, John
Bouverie, hon. E.	Hartley, W. H.
Bridgeman, sir Henry	Hippisley, John Cox
Buller, James	Honeywood, Filmer
Burch, Jos, Randyll	Hussey, William
Burford, earl of	Howard, Henry
Burgoyne, John	Howell, David
Byng, George	Inchiquin, earl of
Cavendish, lord G.	Jervis, sir John
Cavendish, ld. G.A.H.	St. John, hon. St.And.
Church, J., Barker	Knight, R. Payne
Clinton, lt. gen. sir H.	Lake, Gerard
Cocks, hon. J. Somers	Lambton, Wm. Hen.
Coke, Thos. Wm.	Laurence, William
Coke, Daniel Parker	Leicester, sir J. Flem.
Conway, hon. W. S.	Lemon, sir William
Cotes, John	Lloyd, James Martin
Crespigny, T. Champ.	Long, Samuel
Crewe, John	Loveden, E. Loveden
Currie, William	Ludlow, earl
Damer, hon. Lionel	Macpherson, James
Dawkins, James	Maitland, hon. Thos.
Downe, viscount	Martin, James
Dundas, sir Thomas	Milbanke, Ralph
Dundas, Lawrence	Milner, sir W. M.
Edwards, Gerard Noel	Monckton, hon. Edw.
Ellis, rt. hon. W.	Mostyn, sir Roger
Erskine, hon. Thos.	Nesbit, John
Erskine, sir J. St. Clair	North, lord
Fitzpatrick, col.	North, Dudley
Fletcher, sir Henry	Owen, Mostyn Wm.

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Palmerston, viscount	Sturt, Charles
Palk, Lawrence	Tatleton, Banastre
Payne, John Willet	Thompson, Thomas
Pelham, Thomas	Thorold, sir John
Philips, J. G.	Tichfield, marquis of
Powys, Thomas	Townshend, Charles
Rawdon, hon. John	Trevannion, John
Ridley, sir Mat. Wm.	Upper Ossory, earl of
Russel, lord Wm.	Vanneck, sir Joshua
Sawbridge, John	Vyner, Robert
Scott, major	Walpole, hon. Hor.
Sheffield, lord	Walwyn, James
Shelley, Timothy	Warren, sir George
Sheridan, R. B.	Weddell, William
Shuckburgh, sir G.W.	Western, Chs. Callis
Sinclair, sir John	Wilbraham, Roger
Sloane, Hans	Windham, W.
Smith, Richard	Winnington, sir Edw.
Spencer, lord Robert	TELLERS.
Stanley, Thomas	Whitbread, S.
Stuart, hon. James	Taylor, M. A,
Stuart, John Shaw	

Debate in the Lords on the Reduction of the National Debt and the Repeal of certain Taxes.] March 6. On the motion for the third reading of the bill to repeal the duties on Female Servants,

Lord *Rawdon* said, that in expressing his sentiments upon this subject he should make a few general observations upon the bills for repealing certain taxes, although those bills were not all before the House at present. With regard to the tax now before the House, he had always considered it a bad one; but it was not to a question, where their lordships' feelings must be unanimous, that he called their attention. It was to the nature of and motives for those bills to repeal taxes, which ministers wished so much to avoid going into. There had been much boasting about the flourishing state of the country under the present administration, which gave an opportunity of lessening the burthens of the people. Now, he agreed, that the state of the country was prosperous and flourishing; and he would allow that ministers had made a very judicious choice of the taxes most proper to be taken off, yet he would not allow that the prosperity of the country followed from the line of conduct which ministers had pursued, or that the repeal of those taxes was the best mode of alleviating the burthens of the people. He referred to a publication (Mr. Rose's) which had been circulated with great industry, on the revenue and finances of this country, and though not avowedly sent from ministers, insinuated that the prosperity of the country was entirely occasioned by the exertions of the present administration, an idea extremely fallacious, and which to be refuted, required only to be investigated. He came next to state the increase of the excise duties, and to account for them in a variety of ways entirely unconnected with the conduct of ministers. The rise or fluctuation of the public funds he considered as no criterion by which to judge of the prosperity of the country. He particularly mentioned the increase of country banks, which he thought very prejudicial to the country. To examine into the advantages or disadvantages of extending the use of paper currency would be a question of deeper speculation than he meant to enter upon at present; but he contended that in all the manufacturing counties this circulation of paper had increased, and that many manufactories had been set on foot in consequence of it, because people would be much readier to give credit, when they could do it by issuing their notes, than when real money was to be given. Those who got the money into their possession for issuing bills, took care that it should not remain useless, and therefore bought into the stocks; the increased demand for buying into the funds therefore he considered to arise from the increased circulation of paper. In the same publication a comparative statement had been made of the exports in 1783 and 1790, wherein the balance was stated to be much in favour of the year 1790; but, however ingeniously that was put, he thought the only fair way of knowing whether the trade of a country was for or against it, was to state the amount both of the exports and imports at the given period. If this was done, it would be found that the balance of trade was more in favour of this country in 1783 than in 1790. He entered into a minute detail of the imports and exports, as well as the general state of the finances at the different periods alluded to, from all which he drew inferences which corroborated his arguments. His intention was to undeceive those who might be deluded by the statement which ministers had thrown out. If it had really been meant to lessen the burthens of the people, that might have been more effectually done by paying off the national debt with the boasted surplus than by repealing taxes. Upon the whole, it was evident that ministers saw the unpopularity that attended the Russian armament, and thought ne-

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cessary to hold out the compensation of repealing taxes.

Lord *Grenville* complimented the talents and eloquence of the minister who had so clearly and so ably stated the income and expenditure of the country; and justified the calculations made by the officers of government upon this subject. Having a surplus of a considerable amount, the question was, how that surplus should be disposed of?—Whether the whole should be applied to the reduction of the national debt, or to the reduction of taxes; or whether it should be divided between these objects? The latter mode had been adopted, and in his opinion, wisely. The taxes in question were at first reluctantly imposed; the repeal of them therefore must give great satisfaction to the country.

The Earl of *Guilford** said, he should differ from both the noble lords who had delivered their sentiments. He thought himself bound to take this opportunity to do so. He feared he should deliver a doctrine that was at this time very unpopular, but this consideration should not deter him. Whether the taxes now proposed to be repealed were wise measures when they were adopted, he neither knew nor cared; but having been adopted, whether they should now be repealed was the point that he should call on the House to discuss. Having reflected on the whole of the conduct of ministers, he would frankly declare, that he thought with the noble lord who stated that the Russian business had produced this premature reduction of taxes. Whether this particular tax, namely, a tax upon maid servants should be repealed, was a question on which he was ready to deliver his opinion; and he freely confessed he thought it should not. He was of opinion that this sum, received from the people for the support of the public safety, ought not to be taken off. Nothing was more disagreeable to any person in office than to propose taxes. Whenever he proposed them, he did it because he thought them necessary for the safety of the country; and in all he had done he should be willing to stand or fall, on the question of the propriety of the taxes, compared with the situation of this country, when he proposed them.—The tax which was likely to be the means of creating popularity by its repeal, was that which was now before the House. To this repeal he had an objection. But first he would state another objection which he had to the foundation of these proceedings of the reduction of taxes. He meant that part of the king's speech by which notice was given of the probable repeal of the taxes. This part of the speech from the throne he did not say was immediately contray to the principles of the constitution, but it certainly was very uncommon that the prince from the throne should recommend to the consideration of parliament, any particular object in the point of finance, as worth their attention. That no such instance ever occurred before he would not say, although he did not recollect any such, except that of the hearth money; and this was so well known to be a tax against the spirit of the people, and so very oppressive to them, that it was nothing more than obeying the general voice to repeal it; and yet, even in this case, when the prince made this recommendation to parliament, it was accompanied with a request that parliament would devise some other means to make good the deficiency which this repeal would occasion. But supposing this to be regular and correct, he said he did not object to it upon that particular ground, but as a measure that should not be adopted at all. The grounds upon which he disapproved of the proposed reduction of taxes were, that he conceived the situation of the country to be such, that there could be no object so beneficial to its interests, as the reduction of the national debt, to which reduction the surplus of our revenue should be applied, in preference to any other object. As to the amount of this debt, he did not view it with the terror that seemed to be felt in general. He did not think so much of the size of it at present, as of the danger of its growing greater, and at last becoming too great for us to bear. To illustrate this, he observed, that we were at this time far from being in a desperate state; or in a state in which we ought to despond; for if we looked at this time, as compared with the time of the Revolution, when this country had no debt: if we looked to the time when we first had any transactions of money on the score of public credit, we should find

* This is the last speech made in parliament by the earl of Guilford, formerly lord North. His lordship died on the 5th of August, 1792, aged 62, having been for some time quite blind.

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that money was raised at the rate of 7 and 8 per cent. interest; now, with all our debt, the interest was hardly 3 per cent. This was to him a proof that the country at this moment, with all its debt, was in a better situation than at the time when we had no debt. Notwithstanding all the taxes imposed on the people of this country, still, what they had left for their own comfort was much more than the people of this country had one hundred years ago. He believed that the resources of this country were still great, and that if called upon to exert herself, she would be found adequate to such exertion. He never thought there was the least reason to despair on account of the finances of this country. He had often said before, and he was of the same opinion now, that there never was a moment when a man of tolerable nerves should apprehend any danger from the failure of the resources of this country. He believed we might proceed much farther before any fear should be apprehended. To what extent he knew not. God forbid we should make the experiment! but if called on, he was confident the country would bear a great deal more than had been already imposed on it. What was the result of these opinions? Not that we should reduce our present taxes, but that we should bear them, in order that we might apply the surplus for the reduction of the national debt; in order that we might, twenty years hence, be able to face the calamity of a war, without being burthened by fresh taxes; which would be the case, if, during the interval, we applied our surplus to the reduction of the national debt. We should take care so to bear our burthens now, as that if fresh ones should be heaped upon us, they should not be more than we should be able to bear. As to the taxes now about to be repealed, taxes were burthensome on all occasions, but he did not know that these were particularly so; or if they were, that the repeal of them would relieve the indigent. He had the misfortune, when in office, and afterwards when out of it, to maintain upon the subject of finance, a doctrine that was very unpopular. He was now too old to change his opinion, and the point of popularity should not now bias it; he had known the effects of it formerly, and had withstood them. He had received a lesson upon that subject, in a manner too plain to be misunderstood, and too severe to be forgotten; the result of the whole was, that he was taught that popularity was at an end with him, and he gave his opinion totally without feeling any thing upon that point; and he confessed that in that view he regarded the bills in question as dangerous, and he hoped that the temporary popularity which the reduction of these taxes would procure to the present, would not lead a future administration to follow their example. He wished the people of this country as much wealth, comfort, and happiness for ever as they now enjoyed. But he could not help saying, that the best way to keep them in the present happy situation would be to call on them to avail themselves of the present moment to support their burthens when they were so well able to bear them, that they might be able to meet the exigency of a future war, without incurring fresh taxes that might then be felt as burthensome. The people of this country were now free, opulent, and happy, and they should bear their burthens now, for the purpose of reducing the national debt, if they wished the country to preserve and to enjoy its freedom and its happiness for ages to come.

Lord *Hawkesbury* maintained, that the situation of the country was such as to enable us to pay annually one million towards the reduction of the national debt, and also to apply 200,000*l.* additionally for that purpose; and that, in the present state of the country, the people had a right to expect some immediate ease to their burthens. He agreed with the noble earl as to the strength of our resources, but could not conclude from thence, that the appropriating of the whole of our surplus to the reduction of the debt, was the wisest plan that could be adopted. On the contrary, he was inclined to think that the taking off of these taxes would encourage some part of our trade and manufactures; and he was by no means sure that this reduction of taxes would actually diminish the revenue; he rather trusted, that this relief would improve and encourage that commercial spirit which so much distinguished the people of this country.

The bill was then read a third time.

Debate in the Commons, on the Establishment of the Duke and Duchess of York.] March 7. The House having resolved itself into a committee of the whole House, to consider of so much of

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his majesty's speech, as relates to making a suitable Provision for the Establishment of their royal highnesses the Duke and Duchess of York,

Mr. *Pitt* said, that the House having already testified their satisfaction on the happy event of the recent marriage of the duke of York, it would be unnecessary for him to enter into an explanation of the resolutions he should conclude with, and to which he did not doubt the committee would unanimously agree: The first reso lution was, "That it is the opinion of this committee, that his majesty be enabled to grant a yearly sum or sums of money out of the consolidated fund, not exceeding, in the whole, the sum of 18,000*l*., to take place and be computed from the 5th of July, 1791, towards providing for the establishment of their royal highnesses the duke and duchess of York." The second resolution was, "That, a sum of 8,000*l*. per annum be settled on the duchess of York, in case her royal highness should survive the duke, to be issuing and payable out of the consolidated fund." The first resolution being put,

Mr. *Fox* said, it was not his intention to move any amendment to the resolution now proposed, but he did think that the mode of providing for his majesty's numerous family should be put on some sure and solid principle, rationally considered and well digested. He declared, that what he was now going to say, was the pure effect of his own opinion, totally unconnected with any partiality, which he might be allowed naturally to feel for any branch of this illustrious family. He spoke of them as the princes of this country, of whom he knew no more than of those who were princes one hundred years ago. Feeling the blessings of our excellent constitution, and rejoicing that monarchy made so essential a part of it, he was of opinion, that a handsome revenue should be provided for the prince on the throne, and for every branch of the royal family. He thought, that, except in an extreme case indeed, propositions of this nature should always come to that House from the crown, as the present proposition did, and that the children of the sovereign should be completely independent of the crown, but that the king's civil list should be given with a view to enable his majesty to make such provision as the nature of the case might require. While the relation of father and son continued to exist, he thought the princes might safely be left in some sort of dependance on the crown; but that a more distant relationship between the princes and the crown ought to be looked to as a case perfectly possible to happen, and in that case the princes ought neither to be left to depend entirely on the pleasure of the crown, nor on the will of parliament.—With respect to provision for princes of the blood, the first question, when application was made to parliament, would naturally be—Is the civil list inadequate to the purposes of fully maintaining and supporting them? He presumed it was not, or they would not hear of any motion of this kind. The House should make up their opinion on this point before they determined on measures of this nature. If the civil list was not adequate, and if the care and control of the maintenance of the princes should be vested in his majesty, then the civil list ought to be augmented and made adequate to that purpose. He thought that in this case some line ought to be drawn, and some solid principle adopted. The whole as the case would now stand, would be entirely at the mercy of the crown, whatever sums of money the public might be called on to pay. The whole in this case, as proposed by the resolution before the committee, was a mere annuity. Now in what situation were the princes placed? A prince arrives of age and marries; he is to have an establishment for his family, for which purpose we give him nothing but a mere annuity. He believed that the most rigid economists would allow that a town residence was necessary for his royal highness, and that a splendid one, and also that he should have a house in the country. What was the case here? The duke of York was to have a sum of money by way of annuity, and that was all. What was he have for fitting up his dwelling? What sum of money was he to set off with? Parliament gave him a certain sum by way of income, and might say it was sufficient. True; but then they left him to provide the means of beginning life as he could. How was he to raise money for this purpose? The only property he had by this resolution was an annuity, on which he would be compelled to raise money. Was this the proper way to make provision for a prince? Those who thought they made in this way a suitable provision had not sufficiently reflected on the subject: they had not thought how difficult it would be for his royal highness

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to raise money on this annuity. In order to do so, perhaps he would be obliged to sell it at ten years' purchase. What was the conclusion from all this? Why, that the sum granted was not granted in the right way. A certain sum of money should be first granted to his royal highness to begin the world with, and afterwards something further should be given to him by way of annuity. As it now stood, for aught parliament could know, this annuity might be either too much or too little. He should therefore wish that the House would lay down some principle by which, whenever they meant to provide for any of the royal family, they might know in fact what sort of provision they really gave. Here the House knew not what would be the real extent of the provision. His royal highness was put into a situation in which he knew not how to act. Suppose, for instance, in the fitting up of his town residence, a sum of 40,000*l.* were wanted—a sum considering all things, the splendour of his station, and the price of necessary articles, by no means out of bounds in point of expense—how was his royal highness to raise this money? By applying to persons who make a property of young men of fashion when they lend them money. This was fairly throwing his royal highness into the way of temptation—it was putting it out of his power to be discreet and economical—it was not what parliament ought to do. They allowed the propriety of the marriage of the duke of York; the king approved of it; the public were said to be satisfied with it. In these circumstances care should have been taken that what was granted should be comfortably enjoyed. How could that be done? By allowing a certain sum for his royal highness to commence his establishment. This could be done without increasing the real expense to the public. The annuity might be lessened, if the committee thought fit, for the purpose of allowing his royal highness this sum of money; for his part, he thought the income by no means too much. However unpopular the doctrine might be, he was ready to confess that he thought there should be a sum of money voted immediately, besides this annuity. Another point as to the marriage; supposing it to produce what was generally called in their addresses "additional security to the Protestant succession"—the children would be left completely without any provision—they would be left totally dependant on the will of the crown, or dependant on the will of parliament. He did not approve of the practice which subjected these princes to perpetual application to parliament, without any thing like a principle to govern these applications. There should be provision for the issue of this family. Here they were placed in a worse situation than any private family in England. Either the immediate descendants from the throne at least should be provided for by a resolution of that House, or by the civil list: and if the civil list was not equal to that end, it should be made so. It might be said, if these were his opinions, why did he not move something on the subject? He certainly would move nothing, for the reason he had already stated, namely, that, generally speaking, he thought all such matters came more properly from the crown, and because it belonged to every man to regulate his own conduct by such rules as he thought right. It was sufficient for him to have stated his opinion.

Mr. *Pitt* said, he agreed with the right hon. gentleman, that it must be desirable that all such measures should come from the crown, and he had, in the present instance, gone to the full extent of his majesty's commands. There were two points which the right hon. gentleman seemed to misconceive. He had asked, whether the civil list was adequate to the present provision, without voting it from the consolidated fund? He believed he might appeal to the experience of the right hon. gentleman himself for proof that it was not; but a fact which he would call to the recollection of the committee would convince them that it was impossible. Last session he had the honour of bringing a message from his majesty to the House, desiring that provision might be made for the annuity for the duke of Clarence of 12,000*l.*, the civil list, out of which it had been before paid, not being found adequate to it; the provision had in that instance, been voted unanimously. If, therefore, 12,000*l.* annuity could not last year be defrayed out of the civil list, how could this additional demand be so? He agreed that it was not right that the royal family should be entirely dependent on the king; but that was not precisely the subject then before them.

Mr. *Burdon* said, that, comparing the proposed annuity with the circumstances of the country, he was led to think it too

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great; and therefore should propose, that instead of 18,000*l.* a year, the sum of 10,000*l.* should be inserted.

Mr. *M. Montagu* said, he felt the most sincere attachment to every part of the royal family, but thought the situation of the people ought not to be overlooked, and that, burthened as they were, no unnecessary addition ought to be made to the load which they already supported.

Mr. *W. Smith* said, he had not the smallest doubt that, was the money to come out of the pockets of gentlemen in that House, there would not be a single voice against it; but he begged the committee to recollect that it was the money of their constituents, and not their own, that they were voting away.

Sir *James Johnstone* was of opinion, that children ought to be in a state of dependence upon their father, that if they had made usurious contracts, he might have it in his power to break them. He thought the reduction of the annuity from 18,000*l.* to 10,000*l.* highly proper, and the more so, as the duke had a considerable income from Osnaburgh. He said, he had reason to believe that the duke's revenue from thence amounted to 35,000*l.* a year.

Mr. *Fox* said, it had been so totally unusual in that House, to allude to any foreign revenue belonging to the royal family, that he was astonished at the hon. baronet's allusion to the revenue of the bishoprick of Osnaburgh. His majesty's revenue from his Hanoverian possessions never had been taken into consideration in that House, nor, in fact, had the House any thing to do with the subject.

Sir *W. Dolben* said, that no man alive had more respect for the monarch on the throne, nor regard for his family, than he had. He wished an ample provision to be made for all of them: but the present vote he could not but consider as opening a very large field for future expense, when the provision for the remaining branches of the royal family should come to be considered. With the present vote the 7,000*l.* on the Irish establishment, and the 12,000*l.* from the king's civil list, the duke of York would receive near 40,000*l.* a year from this country and Ireland. If this was not enough for the younger branches of the royal family, surely 100,000*l.* a year was not too much for the prince of Wales. He reminded the House, that not the least valuable part of the royal family were several amiable princesses, with whom he hoped the day was not distant when their hands would be sought in marriage. He wished the nation, therefore, to understand fully what they were going into; because, certain he was, if the subject was not fairly discussed and explained in that House, it would be extremely unpopular out of doors; and the honest prejudices of the public on such a subject, should be openly and explicitly dealt with. He was, for these reasons, of opinion, that the measure ought to be deliberately weighed, and maturely considered. The revenues of the bishoprick of Osnaburgh, he had been given to understand, yielded a clear surplus, over all the necessary expenditure, of 10 or 12,000*l.* a year. That sum, added to the sum then proposed to be voted, would be more than he should think the House, in their future provision for the younger branches of the royal family.

Mr. *M. A. Taylor* was of opinion that the revenues of the bishoprick of Osnaburgh did not amount to more than one half of the sum stated by the hon. baronet.

Mr. *Fox* said, that as to the income which his royal highness received from Osnaburgh, nothing could be a stronger reason for putting it entirely out of the question than what had been stated by those who had introduced it; they had clearly shown how little they knew of the matter, one having stated it at 5,000*l.*, another at 12,000*l.*, and a third at 35,000*l.* per annum; and while such a difference as that between 5,000*l.* and 35,000*l.* existed in that House, he could not do them the injustice to think that those hon. gentlemen would wish the committee to form any judgment on what was so vaguely stated. The House and the country were too proud to say that they would take from the subjects of Hanover, or the subjects of Osnaburgh, a paltry sum for the purpose of maintaining the king of Great Britain, or any branch of his illustrious family. He did not pretend to know what his majesty received as elector of Hanover, or the duke of York as bishop of Osnaburgh; indeed, he never had made it a subject of inquiry in that House, and he trusted it never would be made a subject of inquiry; whatever it was, he thought it but fair, that the greater part of it should be spent in those countries.—There was another point upon which he wished that the House could be more fully informed than they really were, and that

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was, the unavoidable deductions that must be made from the allowances granted to the princes; or in other words, the necessary expenses of the establishments, which would, if known, clearly show how little of the sum granted they actually had it in their power to spend. He put this point very strongly, both with regard to the prince of Wales and the other princes; stating, that he believed there would not be found one man in that House so unaccommodating to the modes and even fashions of the times, as not to see the necessity of having ladies and gentlemen of high rank and character in the situation of attendants upon those royal personages, and the expense that followed such establishments. He never had been one who wished to take from the splendour of monarchy; and while monarchy was, very properly, the favourite system of our constitution, it was impossible to contend for that equality among all ranks, which prevails in a simple republic. With regard to the principle, he wished it might be a principle to provide as liberally for the other branches of the royal family, when in similar situations with the duke of York. To those who thought otherwise, he asked, if they were sorry for the flourishing increase of his majesty's family, and the Brunswick line, or if they regretted that so many of them arrived at years of maturity? Certainly, if this was the case, they acted most hypocritically; for scarce a year had passed that they had not carried up the most fervent congratulatory addresses to the throne upon the birth of another prince or princess.—As the prince of Wales's name had been mentioned, he would just say a few words respecting his income, which he contended was proportionably much less than any of the younger branches of the family, much less than that of former princes of Wales, and perfectly inadequate to the expenses of his establishment. He said, that George, prince of Wales, afterwards George 2nd, had 100,000*l.* per annum, and Frederic, prince of Wales, had likewise for some part of his life 100,000*l.*, and that he had not always so large a sum, was a circumstance of regret, and occasioned consequences that would reflect honour on no part of the country or government. He added, that the prince of Wales was the only part of the family that had received no increase to his income; the privy purse in the mean time had been increased from 6,000*l.* to 60,000*l.*, and the civil list from 600,000*l.* to 900,000*l.*

Mr. *W. Smith* rose merely to state that he understood no subjects in Germany were so free as those of Hanover and Osnaburgh, and that he did not wish that a single penny should be drawn from either place, for the support of any part of the royal family of England.

Mr. *Brandling* thought if the House attempted to avail itself of the income of the bishop of Osnaburgh, it would act unjustifiably; it ought, in his mind, to give his royal highness an ample provision, independent of that accidental circumstance.

The resolutions were agreed to.

Complaint against Mr. Rose for Abuses committed at the Westminster Election.] March 13. Mr. *Thompson* rose, he said, agreeably to the notice he had given, to execute a task as momentous, perhaps, as ever arrested the notice of a British senate. It was a charge of a serious nature against the secretary of the treasury, and such a one as deserved the severest censure of the House. It was necessary for him, that in consequence of rumours circulated out of doors, he had made certain inquiries, the result of which he should now submit to the House. He had undertaken this charge purely from the sense he had of his public duty as one of the representatives of the people, totally unconnected with any animosity against the hon. gentleman who was the object of this accusation. It was to his public duty that he wished to dedicate himself; and if the hon. gentleman, who was the object to whose conduct he wished to direct any inquiry, should be able to explain himself to the satisfaction of the House, he should be glad of it. The rumour to which he alluded, originated in consequence of a trial in the court of King's-bench, in which the hon. secretary was defendant, at the suit of a Mr. Smith, for business done, in behalf of lord Hood, at the election for Westminster, in 1788. The substance of the evidence in that trial, went to charge Mr. Rose with having interfered in that election in an unwarrantable manner. It appeared in evidence, that Mr. Smith had some time before been convicted in a penalty of 50*l.* for an offence against the excise laws, and that afterwards, in consequence of services performed by Mr. Smith, at the request

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of Mr. Rose, in the course of that election, part of the fine was remitted to him. That in the course of this transaction Mr. Smith had been introduced to Mr. Rose, through the intervention of a member of that House. [" Name him, name him," was generally exclaimed]. This Mr. Thompson declined, but proceeded to state the various circumstances of the conversation between Mr. Smith and Mr. Rose, by which it would appear, that Mr. Rose had actually been the means of procuring a remission of part of this excise fine, for his services in the election, in behalf of the court candidate, lord Hood. This would appear from the inquiry, beyond the possibility of a doubt. Having stated this, and also many points, on which the inference appeared to him to be clear, that this was the conduct of Mr. Rose; and having alluded to the publication of the trial of an action brought by Mr. Smith against Mr. Rose, and the points there proved to the satisfaction of a jury, who gave Mr. Smith a verdict for the amount of his bill; and that it appeared by that trial what part Mr. Rose had acted on that occasion, he came to the conclusions to be drawn from this; and here he wished the House to reflect on the consequence of a Secretary to the Treasury employing the money of the public for the purpose of supporting the election of a member of that House. He wished them to reflect on the probable consequences of suffering the public to understand that their money was wasted for the corrupt purpose of procuring seats in that House for the friends of the minister. He wished them to reflect on the public contempt, if not the indignation, which they might, by suffering such proceedings to pass unnoticed, bring upon the whole House. They should remember, that on the opinion the public entertained of the House, its character rested, and that it was from the people it derived the whole of its power and authority. What care, then, if they wished to maintain this character, or preserve this power, should they not take to impress the people with a well-founded belief, that they would never connive at bribery and corruption:—that the people were not taxed to support corrupt elections! To succeed in such a practice as had been imputed to the hon. secretary, or rather to escape an inquiry, would either lay the foundation of disturbances, and finally the downfall of our state, or totally extinguish the very principle and essence of liberty in this country. He had made this accusation. He was ready to support it by proof. Let the House grant the inquiry, and the subject would be properly adjusted. If the hon. gentleman was innocent, he ought to have an opportunity of making his innocence public. If he was guilty, he should not be suffered to escape. " I have," said Mr. Thompson, " put George Rose, esq., fairly upon his trial, and God send him a good deliverance!" He then moved, " That this House will, upon Friday next, resolve itself into a committee of the whole House, to inquire into all Abuses committed, by persons in office, at the election of a member to serve in parliament for the city of Westminster in July 1788, as far as the same relate to penalties incurred under the excise laws, or lottery act."

Mr. *Lambton* rose to second the motion, and said, if sufficient grounds had not been stated to induce the House to grant the committee, he had a case which he should think it criminal not to bring to light. Like his hon. friend, he had no motive for the part he was about to take, but a sense of duty to his constituents. In the year 1788, one Hoskins being at that time in prison, at the suit of the solicitor to the lottery for 700*l.* in order to answer certain penalties for offences against the lottery act, for which he could not find bail, wrote to the solicitor, telling him he could procure fifty or sixty votes for lord Hood at the Westminster election, provided he could be admitted to bail, and that such bail as he should offer would not be objected to. The solicitor to the lottery, in answer to this, said he could not do this on his own account, but must have authority from a higher quarter. The man was afterwards admitted to bail, and his bail were a couple of the most miserable raggamuffins that ever offered to commit perjury. Their appearance showed, that so far from being able to swear that they were worth 700*l.* they had not sixpence in their pockets, exclusive of the pittance that had been paid them, as the price of the scandalous crime they were hired to commit: nay, so wretched was their appearance, that when they came to take the necessary oaths before the judge at chambers, although they brought a note from the solicitor to the lottery, signifying his consent to their bail, the judge's clerk thought it so impossible, that the solicitor to the

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lottery could mean to accept two such shabby looking fellows as bail for 700*l*., that he actually refused to swear them. The fact, however, was, their bail was taken, and John Hoskins did actually poll for lord Hood sixty votes; from which time neither Hoskins nor his bail have been heard of. Thus the public, it appeared, had paid 700*l*. out of their pockets for voting falsely for lord Hood; and if ministers could, at their political convenience, suspend the operation of some laws, and remit the operation of others, where was the freedom of the country? There was no longer reason to wonder at some late contradictory votes in that House, nor at the obsequious confidence—giving majorities. The conduct of those majorities, and some late disclosures, would not only tend to render ministers suspected, but parliament itself would be suspected—[Mr. Lambton was here called to order, and informed from the chair, that it was totally disorderly to impute improper motives to the majorities of that House]. Mr. Lambton apologized, and declared, that had he not been called to order prematurely, he did not believe he should have been deemed disorderly, as he was going to add, "unless the House granted the committee of inquiry then moved for." He next exclaimed against the effects of corruption on the electors as well as the elected. He said, they all knew, that the Roman emperors, by bribing and corrupting the senate, governed Rome, and trampled down her liberties with as much unrestrained licence, as if there had existed no senate at all: that it was to the purity of election they were to look as to the source of freedom, and the origin of all their dearest rights and privileges: that it behoved them to be particularly watchful in times like these, when luxury and extravagance opened an easy door to corruption, by reciprocally enervating all the vigour of virtue, and all the better energies of the mind. He concluded with seconding the motion.

Mr. *Rose* said, he could not avoid expressing his astonishment at the hon. mover's credulity in venturing to bring before the House in the serious and solemn manner that he had done, charges, which if he did not before he sat down, prove to the satisfaction of the House, not only that every part of them was not true, but that they had not in them the smallest degree of truth, he should be more mistaken than ever he had been in his life. He proceeded to state the whole of the transactions that had taken place between Mr. Smith and himself, and the greater part of what he said, he supported by written documents. He began with explaining, that Mr. Smith had kept a livery stable, and that he had been in the habit of hiring horses of him, to go the first stage out of town; that he had not seen the man to his knowledge, nor should he have known him if he had met him, before he sent him a petition enclosed in a letter, in 1789, both of which he would read to the House. The petition stated, that Mr. Smith having had an information lodged against him for brewing beer at home, had been convicted in a penalty of 50*l*.; that the beer was small beer for the use of his own family; that he was a poor man, altogether ignorant that it was contrary to law to brew small beer for the use of his family; and that he had no intention to commit any offence against the laws of his country. The petition farther stated, that one third of the penalty went to the poor of the parish, one third to the informer, and the other to the king. The letter stated that the vestry of St. Martin's were willing to give up their third of the penalty, provided he (Mr. Rose) would procure the remission of the king's other two-thirds. Thus, the member of parliament through whose medium, according to the hon. gentleman, Smith had been introduced to him, was no other than the vestry of St. Martin's. With the petition, Mr. Rose said, he did exactly what, in the ordinary course of business, he ever did when petitions were sent to him, viz. referred it to the board, to whose cognizance the subject matter belonged. Smith's petition he enclosed to Mr. Cholmondeley, the chairman of the excise board, and afterwards upon another application, understanding that Mr. Cholmondeley was out of town, and the petition with him, he wrote to the secretary to beg him to get the board to suspend deciding upon Smith's case till Mr. Cholmondeley came to town, and on no other account than merely because Mr. Cholmondeley had the petition with him. But to show the House of what little avail his interference had proved, the petition was rejected by the board of excise, and Mr. Rose read the secretary's answer, with the decision of the board, in which the secretary declared, "that all the allegations were untrue; that Smith was

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not a poor man; that the beer brewed was strong and not small beer; that he well knew what he had done was illegal: that he contrived to get the malt into his house so privately, that even his brewer, (who was the person that had informed against him) did not know when or whence it came, that he had long been in the habit of brewing and conveying it into his own cellars for sale, and that if the penalty had been 500*l.* instead of 50*l.* it would not have been adequate to the beer he had brewed." Here, therefore, was a clear proof that he had not influenced the board in their decision. Half the penalty had actually been levied, and the other half was to be paid by instalments. This, he solemnly said, was the whole of the transaction between Smith and him, as far as regarded the penalty of 50*l.* During the time of the last general election, Smith came to him, as he was going out, and made a proposition for opening his house: and declared in his entry, that he could detect a great number of bad votes that had been given for lord John Townshend, when he answered, "Do so, if you can, it will be doing a right thing," but as to any proposition on the subject of the election, he must go to lord Hood's committee. He did so, found the bad votes he said he could find, and at length applied to him to be paid. The answer he gave him, was, "Return to lord Hood's committee, they'll pay you." Smith afterwards again demanded payment of him, and commenced an action, which was tried in the court of king's bench. He would not impeach the justice of the court, nor the integrity of the jury; such a case was certainly made out as to induce them to give a verdict for Smith. These were the facts, but did any man in his senses suppose that he (Mr. Rose) if he had felt the least consciousness of being really indebted to Smith, would have suffered the cause to have gone into a court of justice? Most certainly he would not. He never had sent a man who had a demand upon him, twice from his door in the whole course of his life: but he must still think, that Smith had not a right to call on him for payment; he had opened no House (not that he should have done wrong, if he had), nor made himself responsible in any sort whatever. It was not necessary for him to say much of himself, because, however party might influence gentlemen with whom he was not acquainted, the friends who knew him, he trusted, would find nothing in his character or any part of his conduct to warrant even a momentary suspicion, that he would be mean enough to act so scandalous a part as calumny had imputed to him; and even if, for the sake of argument, it were admitted that he could sink so low, did any person living imagine such a man as Mr. Cholmondeley, would join with him in such a disgraceful scene? With regard to the other charge, that respecting the admitting Hoskins to bail, by sham bail, he protested he had never even heard the man's name before that day, and was it likely that lord Hood would have desired his agent to act such a part as had been ascribed to him? If lord Hood had permitted his agent to do what had been stated, it would have been nothing less than subjecting him to have had his head put in the pillory. Mr. Rose averred, that what he had said was the whole of the transaction which he had ever had with Smith; but if gentlemen were not disposed to believe him, it did not depend on his assertions alone; the officers of the excise were at the door, and ready to come to the bar of the House to confirm them. Neither the excise laws, nor any authority that he might be supposed to possess, had ever been made use of for any purpose that could, upon the strictest investigation, be deemed improper, much less for election purposes. But if any person could think so ill of him as to suppose he would so prostitute his situation, did they imagine the exalted characters who sat at the treasury board would suffer it?

Lord *Hood* said, he had never heard of Hoskins in his life. As to Mr. Frost, he observed, that he had brought an action for his bill, on the Westminster election. That action was referred to arbitration; the arbitrators made their award, and struck off from his bill, on that occasion, the sum of 2,800*l.* allowed him 1,000*l.* and a liberal allowance besides. His own referees declared that the sum was, after this reduction, fully sufficient. After having made a charge, and persisted in it so much, he really put it to the consideration of the House, whether he deserved any credit whatever.

Mr. *Grey* maintained, that nothing had been stated in the course of the debate to make it appear, that the House ought not to grant the committee that had been moved for. He laid great stress on the case of Hoskins, and said, the right hon. gentleman had solemnly declared, that he

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never caused any mitigation of the penalty which Smith had incurred under the excise laws to be made. He begged to know if he had not done it through Mr. Vivian, the solicitor to the board of excise. He produced a note, dated April 1789, from Mr. Rose to Mr. Smith, appointing him to meet Mr. Vivian at 8 o'clock the next morning at his own house in Palace-yard. With regard to what the right hon. gentleman had said, denying that Mr. Smith appplied to him through the medium of a member of parliament, and had termed that member the vestry, the right hon. gentleman's memory must have failed him wonderfully. To refresh his memory, he would mention who the member was—the member for Liverpool. Upon the whole, he contended, that there was enough before the House to induce them to inquire into the business.

Mr. *Rose* said, he could not recollect, amidst the variety of notes which he had occasion to write, every individual note. But what did the note produced by the hon. gentleman prove? It was dated April 1789, and the penalty was levied afterwards, consequently there had been no interference of his that had availed Mr. Smith. With regard to the member of parliament, he did now recollect, that the hon. gentleman alluded to, kept his horses at the same stable yard. They accidently met there, and the hon. gentleman mentioned the case of Smith, as a case of compassion, and stated the same facts as were alleged in the petition, and which the secretary to the excise board stated to be false.

Mr. *Gascoyne* said, he had little imagined the matter referred to by the right hon. gentleman over the way, would ever have been declared of importance enough to have been mentioned in that House. As it had been mentioned, he would state the whole of the fact in question. He then gave an account of his having kept his horses with Smith for a long time, that he thought they did not appear to be done justice to, and he blamed his own servant; but at last he found the fault lay with Smith himself, and he took them away; that he had previously learnt the affair of Smith's being under a prosecution, and had certainly mentioned it to his hon. friend, recommending Smith, as he then understood him to be a fit object of compassion, and had begged that either he, or his right hon. friend, would interfere with the board of excise to have the penalty mitigated, which he understood to be by no means an unusual thing where the party was poor, and there was no proof of bad intention. He had since had reason to believe that he had been imposed on, and that Smith had not more honesty than other folks.

Mr. *Pitt* rose to request that the honourable mover and seconder, as they had stated that the object of the committee was to inquire into "practices of gentlemen high in office," would distinctly name who the persons high in office were.

Mr. *Fox* said, it appeared to him that the hon. gentleman who had brought this subject forward, had stated ground sufficient for an inquiry into the case. The question was, whether such interference had taken place, on the part of the ministers, as had been stated—or whether, upon the stated interference, there was ground for inquiry? To this it was objected, that the charges were false. Then it was replied,—"We can prove all this by papers we shall lay upon your table—we can prove this beyond dispute by oral testimony—we can prove the whole of our allegation. We can prove first, that some how or other this man got out of prison. We can prove that having done so, he polled for lord Hood. We can prove that he was detained for 700*l.* on a charge of having incurred the penalty of the lottery act—we can prove that he came out by sham bail—we can prove that all this is traced to the authority of gentlemen in office—that it was under the inspection of the solicitor of the lottery." What then followed? That the House should pronounce a minister guilty? No! only that they should inquire. The whole of this would be produced in evidence. It would be produced in evidence, that an application was made to the solicitor on behalf of this very man; nay, by himself, to the solicitor of the lottery, stating the cause of his confinement, and stipulating the condition of his release; that sham bail was proposed to be offered; and that the solicitor said he must consult others from whom he received his authority. Something more, that lord Hood had actually paid his attorney's bill, in which was contained an item for the expense of conducting this very act, for procuring bail, and effecting the discharge of this very person! Was this not enough to induce the House to enter on an inquiry? A man

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in prison for the sum of 700*l.* under a penal statute, to be discharged on condition of serving an election candidate, by the worst of all means—perjury and corruption? The bare suspicion of this ought to make a man impatient for an opportunity of making his defence. Why, then, not go into the committee? The other part of the charge which applied to the hon. secretary, met with a curious reception from that hon. gentleman. He said, that his conduct was plain and aboveboard. If so, why refuse to inquire into it? What was there to fear if his conduct was fair? The note sent by Mr. Rose to Mr. Smith was, that Mr. Rose wished to see him on the next morning, and stating that he had some business to settle with him, and that if he came, he would have an opportunity of meeting Mr. Cholmondeley. Was this introducing them to each other pure matter of civility? Had the hon. secretary no other use for his house? Was there to be no conversation on the excise fine? Was it probable, that being left with each other, without a third person, for the secretary was not there, Smith would not have mentioned the fine which he had been ordered to pay? Pure civility this, no doubt! This was, in his opinion, a strong instance in which the House were called upon to interfere.—Another circumstance came to his mind, which was, that the hon. secretary had observed that he must admire the credulity of gentlemen who believed what they had heard on the subject of the excise fine, or that Smith's demand upon the hon. secretary was just. He was of opinion there was nothing due, or he would not have resisted the demand. It was his constant practice never to suffer any person to call twice for one just demand. All this might be very true, but the answer to it was, that the jury to whom this case was referred decided otherwise. The House had the assertion of the secretary of the treasury against the solemn decision of the jury. In the opinion of the jury, the hon. gentleman, notwithstanding his knowledge, was mistaken. In the proof which Mr. Smith had to adduce he was mistaken. In the proof that was to be given against him on this subject, he pretended to have complete knowledge. Whether he had better acquaintance with the disposition of that House than he had with the integrity of the jury, he knew not; but he must think it would be unfortunate for this country if he could control its decision. If he could not, the proofs he had given of his sagacity in the former case, gave him no great pretension to be regarded for prophetic powers that would supersede the necessity of inquiry in that House, by anticipating the effect. Upon this trial evidence was given, that something in the nature of a remission of a fine was made from Mr. Rose to Mr. Smith. No such thing, says Mr. Rose. What, then, should the House say—Yes, or No? Neither. Let us inquire, was the only answer they could honestly make.—As to the solicitor of the lottery, and the supposition that gentlemen in office could not be deemed responsible for any act of his, supposing that he had consented to the escape of the person out of the king's bench, or for the remission of the fine from the board of excise, supposing that to have taken place, he was far from allowing this doctrine to be right. He rather thought that a certain degree of responsibility should attach to them for the negligence of their inferiors, because it was their duty to inquire into their conduct, and to prevent such enormous abuses. At all events, that House should inquire into the abuse, and fix the censure where it was due.—He had observed, that all that had been said on the other side against the claim of Mr. Smith was, that generally speaking, he was a bad man; from whence they of course deduced that he ought not to have been paid. If he was of that description, he had better fortune than attended the wicked in general, for over the persons with whom he contended he had obtained a victory. With one hon. gentleman he had a bill; it was said to be an unjust one, but he paid it for the purpose of avoiding litigation. With another he had a bill, but that was not paid to avoid, but in consequence of, litigation. Possibly Mr. Smith was a rogue in all his claims, yet an English jury thought him right in one of them, for they gave him a verdict to the amount of his whole bill. It might be, that the jury were wrong, but as they had decided upon their oaths one way, and the secretary to the treasury was placed in another, the least the House could do would be to institute an inquiry. Courts of law in general refused to hear a man's own evidence in his own cause; but if this committee was refused, the House would not only admit the secretary to the treasury to be heard in his own cause, but would believe his assertion

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in support of his own innocence, in preference to the verdict of a jury.—As to the point of precedent for this, he would maintain, that it was most clearly in favour of the motion. So much had the House favoured inquiries, that they had voted for them in cases where there was but little prospect of success, and where ultimately the inquiries ended in nothing. He alluded to the inquiry obtained by Mr. Shove, upon the case of Queenborough, and of Mr. Luttrell, who had charged the minister, lord North, with mal-practices with regard to the borough of Milbourn Port. These things he instanced, as proofs of the general spirit the House had for inquiry, in similar cases of abuse. He argued, that if disposed towards it here, there was no room for the opponents of the motion to say, this inquiry is not proper, because you have not made out a case to entitle you to a hearing. The fact was not so; for the case, supposing it to be true, would be an alarming charge. Of the truth, or falsehood of it, the House could not judge without inquiry; he would venture to say, he knew there would be evidence of what was charged. He concluded with declaring, that he saw fair grouud for criminality in this case, and therefore found it his duty to vote for the motion.

Mr. *Pitt* opposed the motion. He observed, that the question which he had put to the gentlemen who supported this motion had not been answered. Instead of giving him any answer, they had given him arguments: the question been still unanswered, his objections remained unremoved upon this subject. Would they undertake to make out any criminal charge against "gentlemen high in office!" That was the nature of the motion, and not that of asserting any thing against the solicitor of the lottery, or of the board of excise. These complaints, if true, would not make any thing out against gentlemen high in office. If this charge was to be made, against whom was it to be made? They had not so much as stated the person against whom the charge was to be made, that they should prove it when made, or that even they themselves believed it. He contended that this was too vague to found a criminal inquiry upon. The question was, "whether there was presumption enough for the House to form a rational belief that the charges would be specially made out;" and he was clearly of opinion there was no prospect that the House would have any such evidence. He professed himself a friend to a sober and rational inquiry, on fair grounds, stating the probability of guilt in the persons accused; but this was not the case in the present instance; and the House would not vote a criminal inquiry upon conjecture, surprise, or insinuation, however ingeniously or vehemently supported. To take up the time of the House upon these unfounded inquiries, would only impede the progress of public business, and derogate from the dignity which belonged to the deliberative character of the House. If the House adopted the motion, no character, however exalted in station, or virtuous in practice, would be safe from false accusation for a moment. In order to set inquiry on foot, it was only to make a charge, and to maintain it by as many hard words as possible, and that House must enter into a public inquiry without the slightest foundation. These things he wished to put to the integrity and common sense of the House, and to ask them to reflect, whether, by the dictates of either, they felt themselves called upon to vote for this inquiry.

Mr. *Fox* said, he would not bear what the right hon. gentleman had imputed to gentlemen on his side of the House to pass uncorrected. He had said, that they wished for a committee merely on an insinuation, that perhaps they might find guilt. On the contrary he had expressly said, that there was matter for inquiry upon record—there was proof positive, which if they went into the committee would clearly produce a charge of a criminal nature against a person or persons high in office. He had said explicitly that such charge would come out; it remained for the House to say, whether with such circumstances laid before them they would prevent inquiry, and stand between the criminal and justice.

Mr. *Lambton* said, he had not revealed a most material part of the charge, which, in the committee, he had reason to believe, would be brought home to persons high in office. What had they heard? The secretary of the treasury having his memory refreshed, had already confessed, what he at first declared to have utterly forgot—namely, that a member of this House did interfere in favour of Mr. Smith. He had confessed also, that perhaps he might have written a card, inviting Mr. Smith to meet his prosecutor, the solicitor of the excise, at his House. He

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had confessed this, after first deliberately stating that his transmission of the petition to Mr. Cholmondeley, and his letter to the secretary of the excise, was all the interference he had made in the affair. If he had confessed so much already, what might not be brought forth when his memory should be farther refreshed in the committee? When they should call for papers, and when witnesses should be brought to the bar? He would take upon himself to say, that it would be proved, 1. That Mr. Hoskins was under arrest for penalties incurred under the lottery act to the amount of 700*l.*, and that during the election he offered to bring up sixty votes provided he was suffered to escape. 2. That the solicitor to the lottery, who was also agent for the candidate, a lord of the admiralty, said in answer, that he must consult higher authority. 3. That Hoskins was suffered to escape by two bail being accepted not worth a shilling, and upon the express agreement of the solicitor. 4. That the noble lord of the admiralty, a high public officer, had within the last fouteen days, that was since the first rumour of the present motion, paid his agent's bill, in which among other items, there was this charge—"to the expense of finding bail for the action against Hoskins, who engaged to bring up sixty votes, 3*l.* 3*s.*" The expense of finding this bail was more, it appeared, than 3*l.* 3*s.*; but the friends of Hoskins had advanced 10*l.*, and the agent had charged and received only the farther sum which he paid. Now, these links of the chain he engaged to prove, and he had reason to believe that in the committee they should be able to come at the higher authority, without which the solicitor to the lottery acknowledged he could not act.

Mr. *Pitt* asked, if, in the links of this chain, Mr. Lambton had any one public officer in his eye, upon whom he could in the first instance fix the charge?

Mr. *Lambton* said, he had communicated the circumstances frankly. He did not think himself justified to name any person in the first instance. The very purport of a committee was to bring forth and fix the charge. If they had all the proofs ready made, there would be no need of inquiry—they would be moved for punishment.

The *Attorney General*, after having expressed his surprise at what he had heard that day, declared that the sum Hoskins had given bail to, was neither more nor less than an action of debt sued out by Mr. Frost, the solicitor of the lottery, as a mere individual. Had it been any thing in which government was in any way concerned, Mr. Frost would have been bound in duty to have consulted him as to the bail; but that had not been the case. Mr. Frost, he said, on his own accord, had brought actions against different persons, on the lottery acts, for the recovery of penalties to the amount of 8 or 9,000*l.*, merely to make out a charge upon the stamp office of 2,000*l.* for what he had done, which was the recovering about 150*l.* On the occasion of Hoskins, Mr. Frost had not insulted him, by offering sham bail to his consideration, or he should not have done it with impunity. In fact, in the particular instance, he had acted as a mere individual. He explained to the House, that actions for penalties, as the law stood at present, could be brought by any individual who chose it, and the consequence was, they were compromised in the most scandalous manner repeatedly, and that he not being in possession of the evidence, could not effectually interfere. The only way to prevent this, would be to enact in future, that no action for a penalty should be brought but by the attorney general. The judges had done him the honour to consult him on the subject, and had complained of the frequency of the compromises. He repeated, that Hoskins was imprisoned on an action of debt to Frost as a mere individual, and declared, that he did not know one case in which he had received a scrap of paper from Frost. He reasoned upon the item of the three guineas charged by Frost to lord Hood, and said, so far from its affording any proof that persons high in office had been guilty of corrupt practices, it almost to a demonstration proved the contrary. The grounds that had been laid were far too slight for the House to proceed upon, and they ought not to go into a committee, unless they were pretty sure of success.

Mr. *Thompson* said, he had brought the matter before the House, in the conviction that if they appointed a committee, they would find both guilt and a criminal. They were now called upon expressly to name the criminal. He had not been backward in pointing to one gentleman, against whom suspicion lay in so gross a manner, as to make it necessary that they should at least inquire. They had already seen the effect which the short discussion

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had had on the memory of the secretary to the treasury; he had already called to recollection several circumstances, which he had at first forgot, and he pledged himself to bring many others forth, which it would be equally impossible for the hon. gentleman to avoid remembering.

Mr. *M. A. Taylor* said, if the hon. gentlemen on the other side would content themselves with the deliverance which flying from trial would give them, he wished them much honour of their acquittal. The public would decide on the purity of those who durst not stand trial. The facts alleged against them were as specific as it was possible to make them, in the present stage of the business. It was directly charged upon the solicitor of the lottery, and the auspices under which he acted, that he had suffered an accused person to escape by sham and Jew bail, because he had engaged to bring sixty votes in favour of a lord of the admiralty. It was expressly charged upon the secretary of the treasury, that he had engaged to bring a person, convicted of a penalty for an offence against the excise laws, to a private conference with the solicitor to the excise, in his own house, on his promising to perform certain services in the said election. These were specific charges, and yet it was objected that there was too much generality in the accusation. At a time when the imputations against the secretary of the treasury for meddling in elections, were so round, the delicacy of that House alone was not to be offended by whispering an insinuation. Did they really think he was not active in his interferences? Did they not know how various, how multiform, his appearances were, whenever he could be seen or felt with effect? He called upon the House therefore to vindicate themselves, by searching to the bottom a charge fairly and candidly brought before them.

Mr. *Yorke* said, he saw no sufficient ground in the charge to induce the House to go into the inquiry. It was not for the dignity of the House to commit themselves upon every loose accusation which might be brought before them. He had observed of late much unqualified and unparliamentary insinuation thrown out against the majority of that House. He thought such insinuations against the principles of the gentlemen with whom he had the honour to act, highly unwarrantable.

Mr. *Whitbread* said, the accusation was as specific as, in the present stage, it ought to be. His hon. friend ought not, in his mind, to name the person high in office against whom his proofs lay; his naming him now might deprive him of those very proofs. Let the right hon. gentleman, for instance, reflect what ought to be his conduct if he himself were the high person alluded to. He had the complete power, by his eloquence, by his influence, to grant or to stifle inquiry, as he should find that the proofs were feeble, or that they were conclusive. If he made it a previous doctrine, therefore, that the person should be named, and that all the chain of proof should be exposed, he crushed all inquiry against a minister pending his power, and against all his subordinate officers. The dignity; the feelings of gentlemen in office, demanded that they should be the first to entreat the House to grant the inquiry. Not to be forward in soliciting it themselves would be to give suspicion of guilt. Innocence would be eager for justification; it could not sleep under accusation; "Go," it would say to its friends, "relieve me from the torture of suspicion. I have lost my rest; I cannot sleep till I am justified." What sort of friendship must that be, which, instead of eagerly bringing the accuser to his proofs, forbids all inquiry, and dooms innocence "to sleep no more!" It was not to be imagined that ministers could persist in shrinking from the only legitimate means which they had of an honourable acquittal.

Mr. Serjeant *Watson* said, he came down in the disposition to vote for the inquiry, because he thought that a charge made against a person or persons, for corrupt interference in elections ought to be inquired into; but the charge had too much generality, and the arguments against it had made him change his mind.

Mr. *Windham* said, that the very unaccountable language of that day induced him to rise; not because he thought it possible to adduce any new arguments in support of the motion, but because to be silent under the doctrines which had been advanced, would be to desert his duty and to prostitute his feelings. The doctrines had themselves been strange; they had been more strange from the quarter whence they had originated. They militated against every principle of jurisprudence which the wisdom of ages had matured, or which the practice of all our courts had sanctioned; and yet they were brought forward by lawyers. A conduct

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had been held by his majesty's ministers, which certainly did not greatly tend to the elevation of the House, and which he knew not how they could reconcile with their own dignity. They had recourse to a scrupulous nicety, under which a man of honour, charged with the suspicion of guilt, would have disdained to shelter himself; a mere verbal insufficiency; and taking refuge in the desperate practice of self-convicted and timorous offenders in our criminal courts, they had literally got off by a flaw in the indictment. They said, "it is necessary that you shall name the person high in office whom you charge, and unless you specify the offender, you shall not be permitted to inquire, although you assert that there is positive guilt." "Why, Sir," said Mr. Windham, "even taking it with this captious objection, their scruple ought to be removed, when the hon. mover fairly tells you, that the secretary of the treasury is personally charged. Is not the secretary of the treasury a public man in high authority? Is he not a great man by his salaries? Is he not a public man by his trusts and offices? View him in all his aspects; he is every way a public man: and he is personally accused. But the learned gentleman asserts it as a legal doctrine, that there ought not to be an inquiry unless there is a great probability of guilt. Is this, Sir, the practice of any one court in England? There ought not to be a trial, I admit, without a certain degree of suspicion; but there ought to be an inquiry wherever there is a charge, and wherever there is an open and avowed accuser. A man ought not to be brought before a jury of his peers to answer to a frivolous and vexatious charge: but will you say that the grand jury shall not examine the bill? To deny an inquiry is to bar the door against justice. It is contrary to the first principles of jurisprudence. It is what a band of criminals would rejoice in: but it would be fatal to innocence. We state that there is positive guilt. We have the proof that a public officer suffered a person, accused of an offence against law, to escape, for a corrupt reason, offensive to the dignity of this House, outrageous to the representation of the people; and we have it presented to us, that he did this with the connivance of higher persons. We demand that this bill be examined. We demand that the House shall go into a committee, to see whether persons in office did, or did not, convert the public revenue into an instrument of election abuse. Granting a committee is not going to trial; but if you say, that you ought not to inquire when abuse is stated, you lay down a principle unknown in any court in the world. You say, in so many words at least, that the English House of Commons shall establish for its own conduct a doctrine to screen guilt and to torture innocence. Another doctrine, advanced by the learned gentleman, is certainly equally against his own practice in the courts. "There ought to be proof that the witnesses are credible." Why, Sir, was it ever heard of that the credibility of the witnesses became a question, till they came to give their evidence? till it was seen what stress was to be laid on their testimony? This way of taking character by anticipation is a doctrine so new and so contrary to all practice, that I confess it astonishes me to hear it advanced; and against all this we have the assertion of the gentlemen themselves. "I assure you," say they, "these witnesses are not deserving of credibility; trust us, the accused persons; we assure you of our innocence; and here let there be an end." Sir, they must surely entertain a higher opinion of the credulity of this House, than even their recent experience can justify, if they think that their confiding talent will be carried to this length. But if it is, then the majority will, upon reflection, see the true picture of their own conduct; they will see whether the imputations that have been thrown upon them, of giving confidence for reasons which they have never been so good as to explain, are not fairly to be ascribed to them. They will do more; this administration, which it has been their fashion to paint, as a perfect paragon of purity and virtue, will now stand unmasked and exposed in their natural and true colours. The gay embroidered suit of pretence, in which they have decked themselves, and under which they have strutted in magnificent disguise, is torn off, and they behold them in the tattered rags of their genuine deformity. They stand like the uncased Frenchman, which the licentiousness of our stage, is too apt to exhibit in ridicule; in ruffles without a shirt; in tinsel and lace on the outside; in dirt and dowlas within. They stand before their confiding majority, convicted of shrinking from trial; and when a man does not dare to stand trial, the world have a right to believe him guilty; and in this condition

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stand his majesty's ministers in the eyes of their majority. Let me add, Sir, one word more. We have before us two pregnant instances of the use which is made of these summary and shameful proceedings, which are introduced into practice for the sake of our darling revenue; that revenue for which every thing is to be sacrificed; the citizen to be oppressed and ruined; the constitution to be violated. We see that these summary modes of conviction may be dexterously perverted into instruments of favour or of fear, as it may be the political and corrupt motive of office, for the moment, to gratify or to intimidate. You see the fact in glaring colours before you. It remains for you to show to your constituents, suffering under these abominable laws, whether you will not at least provide against the profligate perversion of them to other ends than revenue.

Mr. *Pitt* said, he must, though he had spoken so often, rise once more to justify himself against the inflammatory expressions of the hon. gentleman. Ministers had objected to inquiry, because no precise charge had been made against any person high in office, and because no man would pledge himself that it would come home directly to an individual.

Mr. *Martin* said, that though he saw, from the language of the hon. gentlemen, that the investigation of this criminal interference in elections was to be prevented, and the guilt of abusing the laws of the land to be screened, yet he rejoiced that the question had been agitated; he rejoiced even that it was to be got rid of by such means; for this business would bury the ministry in the deepest dishonour, and tend more to open the eyes of the public to the corruption and profligacy of our system of parliamentary representation and of ministerial influence, than any question that ever came before the House.

The House divided:

Tellers.

Yeas	Mr. Lambton - - Mr. M. A. Taylor -	84
Noes	Colonel Phipps - - Mr. Serjeant Watson -	221

So it passed in the negative.

Debate in the Commons on the Middlesex Justices Bill.] March 16. Mr. *Burton* rose agreeably to notice to make a motion for leave to bring in a bill for the more effectual administration of the office of a Justice of the Peace in Middlesex. In what he should submit to the House, it was his intention to lay the foundation of an amendment in our police, by regulations for the future guidance of the conduct of justices of the peace; but he would propose nothing that would be found to partake in the least of party complexion. He had consulted, and had found his plan countenanced by gentlemen of both parties, and by gentlemen of no party. He hoped that the House would give the bill he intended to move for, the most serious and candid discussion. Gentlemen, from their own observation, must be acquainted with the blessings which the country enjoyed from the fair administration of the important office of a justice of the peace. In London, however, the case was different, and excepting the office in Bow-street and the administration of magistracy in the city (where the respectable body of magistrates considered it an addition to their dignity, and not as a disparagement, to serve their country as justices of the peace), those blessings were inadequately, if at all, experienced. The causes of this were notorious. The two principal were those of a deficiency of officers in the metropolis, and an abuse of the office itself. Those who were robbed of trifles, or slightly injured in their persons, if at a considerable distance from Bow-street, put up with their injuries, rather than involve themselves in the trouble of a prosecution of the offenders; the consequence of which was, that small offences passed unpunished, and gave rise to greater, until those who committed them, went on accumulating the degree of their enormity, till it came to a crisis, and then they received a final punishment. The abuse of the office of a justice of peace, was also as well known as the deficiency of proper offices; it was grossly abused by men who made it a trade; those men it was not his intention to particularize; his object was to propose a remedy to cure both the deficiency and the abuse, and the mode he should submit would be by a short law, directing, first, that five offices should always be open to transact business: and, 2dly, that no fees should be received for business transacted within the districts of those offices. He should propose in his bill, that three justices be appointed to each office: that of one those three should invariably be on the spot

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from nine in the morning until a late hour in the evening; that two should always be present in the principal part of the day, one of them to be a magistrate of the office, the other might be any gentleman in the commission for Middlesex. The due fees to be taken to be accounted for into the receipt of his majesty's exchequer, for the purpose of constituting a fund, out of which the salaries of the justices, and the other expenses of the establishment, were to be defrayed. The consequence of thus rendering it impossible that a justice of the peace should be interested in levying a fine, or in the amount of the fine, would be, the placing him in a situation in which he could have no other interest, than the upright discharge of his duty. To provide however, against the possibility of the fees not amounting to a sufficient sum to defray the expenses and the salaries, it was his intention to propose a clause for the payment of the remainder out of the consolidated fund. These were the outlines of his plan, in which, however, he had omitted the mention of another appointment which might be found necessary, viz. a treasurer, to receive all fees for the receipt of the exchequer, and to pay the expenses of salaries and establishments. It had been proposed, for the purpose of removing all idea of patronage, to leave the different appointments that must take place to carry his plan into execution, to the lord chancellor, the two chief justices, the chief baron, and other persons of that description; but to this mode he had an objection, not thinking that in a responsibility so generally diffused, there could be equal security that proper persons should be appointed, as in a responsibility more confined. He thought therefore, that it would be best for the appointment to rest in the king, and that his majesty's adviser should be one known and responsible person, the head of the law. In proposing the situation of the offices, they would be so placed, that no part of their districts would be at a greater distance from each other than half a mile. Two consequences would arise from the establishment of such a plan as he had stated, viz. publicity and competition; their publicity would enable all the world to judge whether the magistrates acted uprightly; and the competition arising from that publicity, would not be competition for the gain of lucre, which was the competition of the present interlopers into magistracy, but it would be a competition for skill, for impartiality, and for integrity. His plan was not calculated to benefit the rich, but to serve the poor; who would thereby have places of resort to go to, to obtain redress, and not, as was now too frequently the case, in their applications for redress, meet with extortion and oppression, where they ought to find justice. His proposition would not operate to a change of the present law, but would leave it exactly as it stood, for no magistrates would be prevented from serving the public; fees alone would be relinquished; those gentlemen who were desirous to act, would have an opportunity of acting serviceably in conjunction with the magistrates of the office, over whom their presence might operate as a check and control. Mr. Burton then moved, "That leave be given to bring in a bill for the more effectual administration of the office of justice of peace, in such parts of Middlesex, as lie in and near the metropolis."

Mr. Secretary *Dundas* seconded the motion, and observed upon that part of the hon. gentleman's speech, in which he had stated that he had no intention to alter the law: declaring, that if such alteration was necessary, and if it should be found expedient to clothe magistrates with more power than they now possessed, such additional power he would readily vote for. He took notice of the alarming increase of pick-pockets, and their proportionable increase of audacity, which had arisen to such a height, that no person could walk the streets in safety. If in the progress of the bill, he could devise any clause to enable magistrates to take more effectual measures than they now could, against such persons as he had described, he hoped the House would give it their most serious consideration.

Leave was given to bring in the bill.

Debate in the Lords on Mr. Fox's Libel Bill.] March 20. Mr. Fox's Bill "to remove Doubts respecting the functions of Juries in cases of Libel," which had last session been lost in the Lords on account of the advanced period of the session, having again passed the Commons, *nem. con.* was carried up to the Lords. Earl Fitzwilliam having this day moved, that the said Bill be read a second time,

The *Lord Chancellor* left the woolsack, and began with remarking, that it was extraordinary, when a bill of so important a

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nature was before the House, that a noble lord should content himself with coming to the table, and shortly moving, that the bill be read a second time. He should have imagined that, on such an occasion, some noble lord or other would have taken upon himself to open the subject matter of the bill, to have stated to their lordships the nature of the proposition it held out, and to have explained the grounds and reasons on which the proposition rested. He did not mean then to go into much argument on the bill, but he should suppose that, simply to state what the bill professed to do, would be sufficient to induce their lordships to postpone the second reading till they could have the assistance of the learned judges, whose opinions upon the subject he conceived must be materially necessary for their lordships to be aware of. He said he had viewed the Bill with great attention, and he hardly felt himself ready to pronounce on it any opinion at all. The first clause was, "That the jury should give their verdict upon the whole matter in issue upon an indictment or information, and should not be required or directed by the judge to find the defendant guilty merely on the proof of the publication, and of the sense ascribed to such libel by such information or indictment." This was a proposition which, from all that he had heard, and from all the information he had received, he could not bring his mind to assent to. The best authority he knew, and the most clear he ever heard of, on this subject, was from a Paper which lay upon the table of that House (alluding to the opinion of the judges delivered in on the case of the trial the king against Woodfall, by the earl of Mansfield);* a paper to which he never heard the smallest contradiction, or of the purity of which he never heard a doubt expressed by any person qualified to form an opinion on the subject. The charge which had been given in that trial by that noble and learned judge, who was such an ornament to his profession, had never been doubted as to its legality. That able judge had therein clearly shown, that the sort of direction that had been given by him to a jury, was precisely of the same style and character, that had been from time to time, given to juries by those judges universally acknowledged to be the most constitutional lawyers, and the best authorities, from the days of queen Elizabeth downwards. His lordship quoted lord chief justice Hale, who, in one of the most complete and finished works he had left behind him, says expressly, "That, whatever be the case before the court in matter of fact, it is the duty of the court, or judge, to give the jury advice and direction in matter of law." He also quoted the authority of that judge, who might, he said, be properly termed the tutelary saint and protector of juries, lord chief justice Vaughan, and a variety of other learned authorities, to prove, that they all uniformly agreed, that the fact was the question for the jury to decide, and the law that of the judge. To illustrate his argument, his lordship contended, that if a jury took upon them to decide upon the whole of a case by their verdict, they shut out the question of law, and deprived the defendant of any advantage that might arise to him from it.—The object of the bill clearly was, to contend against what had been the uniform practice of judges for many years past, and to undermine that policy upon which the law of this country had stood for ages, and had risen to as great legal freedom as that of any country in the world. His lordship said, that not having sat as a judge in any one court of law in the kingdom, he could not set up his opinion in competition with that of those who had, but that he was persuaded the judges who had been most generally looked up to as of the highest authority, were with him; and that, if the bill passed into a law, unaltered, it would be in opposition to the opinion of almost every judge who had sat in the court of King's-bench ever since the days of queen Elizabeth. He did not mean to speak with levity of the person (Mr. Fox) by whom this bill was introduced. He knew the vigour of his understanding much too well to do so; or to say that, whatever that person produced did not demand attention; and he thought his bill did demand attention; and therefore he was prepared to treat it with respect: but it really appeared to him, that the whole spirit of the bill was a condemnation of the conduct of the judges, from time immemorial to the present day; and he could not think that their lordships would be well pleased to give their sanction to a measure that conveyed a general censure upon the magis-

* For a Copy of the Paper left by lord Mansfield with the clerk of the House of Lords, see Vol. 16, p. 1313.

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tracy of this country. On the contrary, he trusted that they would pay respect to the great names who composed that magistracy, and that they would sanction all they met in a court of justice, unless they had substantial reason for the contrary. At least, whether the principles on which the practice of the courts was formed were just, whether the practice itself was right or wrong, were questions which should not be discussed before the judges had given their opinion; and, therefore, without taking further notice of the law itself, the point of regularity was in favour of taking the opinion of the judges. All he meant to contend was, that if the judges were wrong now, all their predecessors had been equally so. The province of juries had never been considered to extend beyond deciding upon the matter of fact: the law arising from the fact was always for the determination of the court or judge. This was evident from the very etymology of the words judgment and verdict—"Judicium, quasi juris dictum—veredictum, quasi dicta veritatis." He said, it was not the case of libels alone that would be governed by the new principle that the bill would introduce, but a great variety of other objects; that, however desirous they might be to let loose the case of libels, they could not do it without opening a much wider door to the discretion of juries than they seemed to be aware of. That they ought to consider, that the effects of law, and the usage of courts, must be uniform and pervading in all similar and parallel cases. That there could not be one operation of law in Cornwall, and another in Cumberland; one law in London this year, and another the next; but that the law should be the same every where, and at all times, independent of a Whig or Tory, or any other description of jury. Here his lordship entered upon professional topics; upon the return of the postea; the impossibility of having the day in bank when the return can be made by a jury; the manner in which they were enjoined by the writ; the fiction of law on which their authority was derived; maintaining, that the bill improperly abridged the advice or direction which it had always been competent for judges to give to juries. The fact was stated to be so or so, and then the jury were bound to find the affirmative or the negative of that fact; and even when they had found it, and changed their opinion, it might be altered before it was recorded; but the duties of the court appeared to him to be quite clear as they had always stood—"De jure respondent judices, de facto jurati." Whatever might be the opinion of others, he must confess he could not bring his mind to doubt upon the subject. He observed, that this bill involved some contradictions; for, after telling the judge what he is not to do, it proceeds to telling him what he is to do, and these not consistent with each other. In point of history, he maintained, there was no case whatever similar to the present bill: it would let libels loose upon the world without those restrictions with which they had hitherto been kept; and if this was to be the case with libels, he asked what was to be the case with incendiary letters? To what extent was one thing to proceed, and where was the other to be left? Libels and incendiary letters had always been considered *in pari materia*. He trusted that great caution was to be observed in the alteration of a law that had stood the test of ages, and under which this country had arrived to as great and as rational a state of freedom as any on the face of the globe. Such was his opinion; and if it should happen that those whose habits led them more into the study of that part of the law than himself, should agree with him, he should give his negative to the present bill. He believed that the doctrine he had supported had been uniformly laid down by all the judges since the reign of Elizabeth; but their lordships would find the whole law on this case better explained in the paper upon the table of that House, than in the discussion of any topic whatever. He therefore moved, "That, instead of "now," this bill be read a second time on the 24th of April next."

Earl *Fitzwilliam* professed his warmest approbation of the bill, and justified his bringing it forward before the House. But as the learned lord had considered it as a bill on which the opinion of the judges should be taken, he should assent to the motion for the second reading on the 24th of April.

Lord *Porchester* could not see the least necessity for waiting to have the opinion of the judges. The functions of legislature and judicature were perfectly distinct. If the constitution had looked upon it as necessary for the legislative body to have the assistance of the judicial, it would not have excluded such of

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the judges as had not seats in that House from being members of the House of Commons. But, in the present case, he considered their interference peculiarly unnecessary, as the principal object of the bill was to limit their assumed powers. He contended, that the law stood, as the bill stated it to be, before it was introduced; but so far from lawyers being of an unanimous opinion that there was no doubt existing, he knew they were much divided in their opinions respecting it. The opinions of the judges, whenever necessary, would always have great weight with that House; but he did not think their opinions necessary on the present occasion. He stated, that there were two parties to the bill, the judges on the one hand, and juries on the other; and that it was right for the latter to appeal to the House of Commons, out of which juries were made, to declare their right. He said, the liberty of the press was a main pillar of the constitution; that the judges themselves were kept in awe by the liberty of the press; and by limiting the functions of juries, they endeavoured to limit, and improperly restrain, that liberty of the press, that might be usefully employed in discussing the conduct of the judges, and making them regardful of their duty.

Lord *Grenville* thought it was necessary the judges should be present, as much information might be expected from them. The subject was entitled to every degree of discussion, at a time especially when libels were published against the constitution itself. He denied the assertion, that their lordships were a party with the judges, and the Commons with the jury. He should be sorry that any such idea should be entertained; for if doubts were entertained, it was as much the interest of the judges that such doubts should be removed; and he was certain the former would be glad to relinquish any power which the laws of the land had not put into their hands. He conceived that the Commons of Great Britain, who are capable of sitting on juries, had as good a right to maintain by this bill, as the judges had to defend their integrity. If there ever was a question to be argued in the manner proposed by the learned lord on the woolsack, this was of that description. As to the observation of the learned lord, that he had no doubt, he must beg leave to say, that some doubt must have existed somewhere, or there could not have been such diversity of opinion on the subject. This made it necessary that the judges should be consulted. It was essential to the future welfare of the state, that proper impressions should be made on this occasion. The first essence of a free country was, that the criminal laws of it should be clearly known and understood; and their lordships would, he had no doubt, agree with him, that it was more particularly necessary in times like the present, when libels of a new description were daily published; not libels upon private characters, not attempts to revile and calumniate individuals, not libels upon government or ministers, but libels upon the constitution itself. Libels calculated to mislead men's minds, to make them dissatisfied with the form of government of the country, and to disturb the general peace and happiness of the people. He spoke with confidence in the opinion of the people upon this subject, and that they would not be misled by such publications; but then it was highly necessary, at such a time, that the law by which such publications may be tried should be clearly ascertained. He heartily concurred with the amendment, for the purpose of giving this subject all possible attention and solemnity.

Earl *Stanhope* said, that the objections that had been urged against the second reading of this bill, appeared to him to belong to the subject when the measure was before a committee, and that was the stage, if any, in which it should be postponed. But he would not take it up on that narrow ground; he would take it up on the ground, that there was no doubt upon what the law ought to be in future, or upon what the law was at present. When their lordships heard the reading of this bill, and found it related to trial by jury, and the liberty of the press, they would be surely convinced there was no English mind or English heart, that did not feel an interest in the discussion of the subject. Therefore he thought the bill ought to be read a second time that day. What was the reason that it should not? The absence of the judges? Was that any reason? He had a very high respect for that learned body; but what information did their lordships expect to derive from their presence? Surely there was no occasion to ask them how the law stood at present, with regard to the doctrine of libels; every nobleman in that House had a knowledge of it. The pre-

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amble of the bill stated, that doubts had arisen. Undoubtedly that was the case; though he was certain that no doubts ought to be entertained; for it was as plain as noon-day, that this bill only went to restore that function to juries, with which the constitution had originally invested them. Let them for a moment consider in what the constitution consisted—let them inquire into its principles—and they could not but see the matter in its true point of view.—There were five material principles on which the constitution of this country was founded, every one of which was clear and solid. The first was founded on the civil liberty of the subject, and his security as to his personal freedom and property. That was the first leading principle of the constitution, and a most inestimable principle it was. The second was, the liberty of the press, which might be considered as the basis or main pillar of the constitution, on which all our rights, privileges, and advantages, essentially depended. He did not mean by the liberty of the press, that scandalous abuse of it, which originated calumniatory libels on private character, and even attacked the weaker sex, but the right of freely investigating every public transaction, and every thing relating to the government of the country, and the administration of public affairs. This was the foundation of the liberty of this country. The third principle was that which we found recorded in our ancient law under the term of Declaration of Rights, and afterwards in our Bill of Rights, by which the people have a right to arm in their own defence. His lordship stated the distinction between a government founded in despotism and slavery and a free government to rest solely on this principle. In the former the people were armed as a matter of right, in the latter they were not armed. The people should be armed as much to prevent the peace of the country from being disturbed, as to prevent or repel all attacks from a foreign power. Had this been the case, we should not now have had to reflect on the disgrace to which this country was reduced in the year 1780. Nor should we have had the more recent shame of July last in the infamous riots in the town of Birmingham. Why did those things happen? It was because the people were not armed. He further enlarged on the important right of the people to be armed, by showing that it had the double operation of resisting external insult, and preserving domestic tranquillity. The fourth great principle of the British constitution was the grand principle of representation. The British legislature consisted of three distinct branches, each of which had an immediate representative quality The people being represented in the House of Commons, no laws whatever could pass without their implied consent; and therefore, by these principles, as the people could not be governed without their own consent, so likewise could not their conduct be regulated but by laws of their own framing. The fifth was, the trial by jury. As the people of this country consented to be governed by laws which they themselves made, they also reserved to themselves the right of interpreting their own laws, and this was the function of the jury; and one of the most praise-worthy points in the constitution was, that the prisoner, who threw himself on his country, could object to the panel, without being called on to give any legal cause. In short, he could make a peremptory challenge; he might say at once, "I don't like that man; he shall not try me;" and that was sufficient. These were the component parts of which the constitution was composed; and so intimately were they connected, that if you touched one you shook the rest. Invade the privilege of a jury, you silence the press—you silence the people—their arms drop to the ground—personal liberty and property take their flight together. In none of the points he had mentioned, was there more care to be taken, on the part of the people, than that of the liberty of the press, of which the case of libels made a material share. A libel depended upon four, or at least on three or four points: first, the publication, which of itself was harmless, but on which the doubt arose for which this bill was to provide a remedy; and here he must say, that the idea of guilt in a publication merely was ridiculous, for in that case there would seldom be any thing to try, and in which case innuendos would be totally superfluous, for the publication was generally a thing not at all disputed; but whether the publication was or was not proper; and in that view came the averment, stating, for instance, Dover, that was, Dover in such a place in the county of Kent;—or Calais—Calais in such a place. But words might be so plain, that there need be no

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innuendos; in all which cases the juries were to judge of the whole matter before them. Secondly, what was the law upon the subject—a point which always appeared to him to partake rather of fact than of law: it was a question of fact, whether a person had transgressed the law. Thirdly, the criminal intention. Fourthly, the right of the jury to try the whole matter. This the judge had usurped. They had undertaken to direct the jury on the innuendos, and left them only to judge of the fact of the publication: they had desired the jury to leave the criminal part of the intention out of the case. This was the most material part, and of which the jury only ought to judge, without showing cause to any person whomsoever. This was the most charming part of the constitution, and this it was which the judges had so frequently attempted to take out of the hands of the jury, and which he held to be an assumption of the undoubted rights of juries, and an invasion of their most essential and constitutional functions.—The defendant should not be found guilty, and given up to a judge for punishment, if he could satisfy a jury that he had no criminal intention. And why should the judges attempt to take from the jury the most important part of their jurisdiction? This was declaring on the law, and enacting it. It was not law; or if it was, it ought not to be law; and he hoped their lordships opinion would be, that this arbitrary power should be wrested from the judges by force. Without it, the liberty of the press was a mere chimera—the liberty of the press would be talked of in vain; and in vain too would be boasted the power of parliament.—The earl reminded the House that, by a recollection of what the page of our own history recorded, they would see the danger that might arise from a suppression, or an unconstitutional check and unfair control, directly or indirectly, of the freedom of the press. Suppose, as an instance, that a king (not his present majesty, for we all knew his disposition pronounced the thing impossible), but suppose a king should be advised to do what James 2nd did, to overturn the constitution, by levying money without the consent of parliament. In such instances, the press, like an alarm bell, would be found of the utmost service. Every thing valuable in the constitution of this country depended on the liberty of the press; and there was an end of it, if the trial by jury was not free and uncontrolled. If judges claimed a jurisdiction which did not belong to them, and which the sense of the people would deny, the people would not submit to it. This was a serious business, and their lordships should take care not to trifle with it. The Commons had done their duty, as honest men, in sending that bill to this House; and if, from whatever motive, the bill did not pass, they would hear of it over and over again; they would have the table covered with petitions, not only this year, but the year after.—His noble friend had observed, that libels appeared almost every day against the constitution itself. If their lordships adopted the amendment, did they really conceive that that was the most effectual remedy to stifle those libels? He thought not. As to the licentiousness of libels, let the public be free—let the press be free—make up your minds to do justice, and fear no libels. Where the constitution was free, there was nothing to be dreaded. A constitution was free, which rested on the principle he had mentioned; but if, by refusing this, and other applications for justice, on the part of the people, it should be rejected or trifled with, the consequences might be very serious. Every government rested upon public opinion. He had seen the strongest of them break down, when that opinion was lost; and when it was so, every government ought to be broken down; because no government ought to continue, that was not calculated for the purposes of protection to the wealth and prosperity of the people. He saw no reason why the House should wait a moment for the opinion of the judges upon a question that was so clear. It was as obvious a point, and could be as easily answered, as if a question were asked, whether our grand charter should be repealed? It was a constitutional point; and that House should want no assistance of the judges upon that subject. It was a point to be governed by justice. The law was above the judges. The constitution was above their lordships. Justice was above them all. The eternal principles of justice were paramount to all. On it were founded all the noble rights which God had given to mankind.

Earl *Fitzwilliam* observed, that, whatever opinion might have been entertained upon the question of what was the law, this was a bill for declaring what ought to

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be the law. It was highly necessary, while such libels were circulating, as the noble secretary of state had alluded to, that judges and juries should distinctly understand what was generally considered to be their respective functions. He hoped that this bill would be fully considered, and finally passed, lest there should hereafter be a dispute between the bench and the jury.

The Earl of *Lauderdale* objected to postponing the second reading of the bill, because the learned lord had not stated what the specific question was that he wished to put to the judges. The question to be hereafter proposed to them might be of that nature which no power on earth could induce him to vote. For instance, suppose the question should be, that the judges should declare, "what ought to be the law of the country, in respect to the law of libels." That question he never would vote; and therefore if they were to put off the second reading of the bill, in order to put a question to the judges, his voting must depend upon his knowing what was the turn and tendency of the question to be proposed.

The amendment was then agreed to.

Bankers Estates Bill.] March 28. Sir *Benjamin Hammet* said, he would beg the indulgence of the House for a few words, before he moved for leave to bring in the bill of which he had given notice. He said, on long consideration of the subject, and the attempts which had been formerly made by very able men, the ill success which had attended their endeavours, and the difficulties which had been suggested by great legal authorities, he almost determined not to trouble the House, apprehending he should not accomplish an object which he judged proper and useful to the public, It had been objected, that no good reason could be given, why gentlemen's real estates should not be liable to pay their just debts, as well as bankers and other commercial men. If that measure could be carried he should think it, upon the whole, salutary; but for many reasons, it had always been opposed; and by attempting too much, he was afraid of losing the whole. He said, he saw many strong reasons applicable to bankers, which did not reach other men. Gentlemen out of business were not subject to the bankrupt laws whilst living; and he would not propose a law to make those estates liable after their decease, which were not so during their lives. But in money transactions, depending upon credit, if a man was trusted with large sums of money, either as a banker or trader, on account of his possessing, or purchasing, great landed estates, such property ought to make good any deficiency, if the personal estate proved insufficient, which was not now the case. He said, he had seen so much danger, and so many real evils, which had happened for want of such a law, and steering clear of entails, general and special, he flattered himself the bill would not be opposed by any description of men, being founded upon principles of justice and equity. In less happy times than those we lived in, when the country was just emerging from barbarism, and the feudal system took place, there was some reason why the real property should be free, because then the land was obliged to furnish a certain number of men for the king's service in war; and if the estates had been divided or injured, the new possessor might have been unable to raise his quota, and the country have been unprotected. That system being destroyed, the reason no longer existed. At that time, there was very little trade or commerce carried on. The very name of a banker was, he believed, unknown. At this time, there were so very many bankers in this kingdom, and paper credit, in all sorts of commerce, was so widely extended, that he thought it necessary that every possible security should be given for the money entrusted in confidence to others. He said, he would mention one instance of a banker in the city, many years since, who laid out about 100,000*l.* of his customers money in landed estates. His partner seeing the danger to himself and the creditors, in case of death, stopped the house, and carried the remainder of the money to a neighbouring banker, by which means the creditors were all paid. Being convinced, that it would be highly unjust that any man should, with the money of others, buy large estates to go to the heir at law, either by neglect or fraud, he should beg leave to move, "That leave be given to bring in a bill for making the estates of bankers, and other traders, subject to the payment of their debts after their decease."

Leave was given to bring in a bill.

Debate in the Commons on the National Debt Bill.] March 30. The order of

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the day being read for the House to take into consideration the report of the committee on the National Debt Bill,

Mr. *Pitt* said, it was proper for him to state, that several alterations had been made in the bill, and to discuss which, it appeared to him that the bill should be re-committed. There were two objects which this bill embraced; the first was, to follow up the system laid down by the committee in 1786, by an application of some part of the surplus towards easing the public of taxes, and applying the remainder to the fund for extinguishing the national debt; the next was, to adopt some permanent system for providing against future debts, that might be unavoidable, from the exigencies of the times, after allowing the million yearly, which, by the bill of 1786, was chargeable out of the consolidated fund, and all the other expenses of the year. He went over great part of what he stated in his speech on the opening of the budget, with regard to buying up stock, and redeeming annuities, as they became redeemable. He adverted to the high price of the funds, owing to the flourishing state of the country, and which conspired to make it easier for the country to buy up the 4 per cents, and in time to come at the 5 per cents, when the stipulated quantity of the national debt was actually paid off.—He then stated, that the surplus of the present year, after allowing the annual million, and all other deductions, had enabled us to appropriate 200,000*l.* towards paying the national debt, and as much towards relieving the people from taxes. This he considered, a surplus that might be expected in future years, and when the purposes for which the lottery was established were accomplished, 300,000*l.* more might be appropriated in the same manner. He went through a long chain of figures and calculation, to explain at what time the annual million would arrive, by accumulating interest, to four millions yearly, which was the object of the bill in 1786, and of which the present state of the country seemed to give him good hopes. The next point, which he took to be of very great importance, was, that a permanent system should be adopted to prevent the effects of future debts, and to establish the operation of the sinking fund, even if, by some sinister accident, it became necessary to make any new loan before the object of the bill of 1786 was accomplished. The period which was thought of for the accomplishment of that bill, was the year 1809. What, therefore, was his intention, was this:—That there should be some uniform system adopted for paying off any loan which necessity might require to be made, without stopping the effects of the original bill. To do this, in his opinion, the sum to be raised to pay the interest of any such loan should bear a proportion to the amount of the debt incurred, and the time when it ought to be paid, according to the plan laid down for paying off the debt existing in 1786, which he believed was a term of 46 years. To do this, he thought one hundreth part of the capital borrowed would be sufficient to be raised from the country on such emergencies; for instance, supposing it was necessary to obtain by loan ten millions, 100,000*l.* must be raised in addition to the 200,000*l.* of annual surplus appropriated for taking off taxes, to pay the interest of this loan at 3 per cent. However, this was stating the loan at a higher rate than it probably would be: yet, if it did happen, he thought that easing their constituents of some part of their burthens immediately, would make them more ready to come forward at any future period, when it might be necessary to impose taxes upon them, especially when, by continuing the system of 1786, the burthen would only be temporary. He adverted to an intention of reducing the four per cents. to threes, and the fives to fours; and concluded with observing, that, from the combined influence of various favourable circumstances, which must in a short time be expected, the period was not distant, in his opinion, when the country might look to have its burthens removed, its resources enlarged, and its growing opulence confirmed.

Mr. *Fox* said, he thought he understood the right hon. gentleman as he had explained himself to the House, and he freely owned he could not bring himself to agree with his conclusions upon any of his points, except the first. There were three points into which the subject branched, and on which this bill depended. One was, the term at which the interest of the annual million, or surplus, was to cease with regard to its application; the second was the mode of the future application of it; and the third was the term of future loans. Upon the first he had some doubt, though he thought he could bring himself to agree to it: but for the other two, he must confess

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he could not. He objected to the measure of applying the accidental surplus of this year to the reduction of taxes, instead of the diminution of our debts. Of this impropriety the minister seemed to be tolerably conscious; for though, to obtain popularity, he thought right, this year, to apply his surplus to take off a few taxes, yet, by way of atonement, he now proposed to hinder that from being done again; for all hopes of any farther reduction, till the year 1809, were put totally to the rout. It always appeared to him to be contrary to the true spirit of legislation, that one parliament should direct what another parliament shall do, or that we should, by what appeared to us to be wise and just, bind our posterity to agree with us in opinion, or at least command them to follow our example. "It does not appear to me," said Mr. Fox, "that you at this time should say, that you know better what should be done with circumstances that may arise, than those who shall at the time know and feel them. I do not think that the constitution of England is so far decayed, but that at a future day the people may be as well represented as at this, I hope, that hereafter there will be men as virtuous as you—as patriotic as you—as well disposed to serve their constituents as you—as wise as you, and I hope wiser, because wisdom is in a state of progression. Knowing nothing of the future, and wishing to allow, posterity to have that knowledge, how can I upon a general principle, agree to a system that shall bind them to perform any particular act, knowing the nature of it at that time much better than I can possibly do? This is one general objection which occurs to me upon this subject." He then pointed out the several inconveniencies that might arise from this system, from the urgency of raising money upon a temporary occasion, and the immediate provision which would be to be made for the proportionate reduction of that sum, at a time when the sources of revenue, might perhaps not be the same as they were at present, and when many considerations might induce posterity to repeal some of them, from sentiments of morality or for other reasons. As to the lottery, (though, by-the-by, he did not oppose occasional lotteries) whatever the right hon. gentleman valued it at, he did not suppose that he meant to state it as a permanent revenue. However, then, we might stand when this loan came to be made, and with respect to the distance of time, whether two years or ten years hence, the argument held equally good. Money must be raised to pay the interest of this loan of ten million, which must at least be 300,000*l*., so that the 200,000*l*. laid aside for taking off taxes, must again be taken from the people, and taxes laid on to the amount of 100,000*l*. more than they were now; so that their constituents would be more burthened, at a time when the national debt was diminished, and when the sinking fund was much greater, comparatively speaking, than it was now, when we were reducing taxes. He contended, that it always had been, and still ought to be the general policy of this country, to apply the surplus of the revenue, whatever it might be, to the sinking fund, for paying off the national debt. With regard to what had been said of public credit, and the great advantages which the country would have in making future loans, he considered that to be all matter of mere speculation; as such he would not enter into it, because the legislature of the time, whenever it might come, must have a more accurate knowledge of the then existing circumstances, and of course be more able to make the proper terms for the urgency of the occasion. As to the difference which had often been stated between a surplus arising from the revenues appropriated to pay the annual million, and a surplus arising from any other source of our revenues, he could only say, that it was a distinction without a difference. With regard to annuities, he said that a loan obtained by granting long annuities was always more unfavourable than one obtained on perpetuity: and as to short annuities, many in that House knew what was the consequence of borrowing money in that way. During the late war, the terms were greatly worse than upon any other condition. He then declared his disapprobation of the bill, and could not avoid saying, that it seemed to be brought in merely as an atonement for the rash step which the minister had taken by reducing taxes at a time when he ought to have appropriated his surplus to the sinking fund. He contended that this was relaxing from that general system of finance, which had been so much mentioned as necessary to carry through the system of the bill of 1786; and having done so for momentary popularity, ministers were determined to bind up, by every possible cord and tie, those who

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came after them from acting as their wisdom or knowledge might dictate at the time.

Mr. *Pitt* was exceedingly glad to have heard the right hon. gentleman's sentiments; for differing as they did from his own upon the subject, they served to confirm him in the opinion he had before formed of the propriety and policy of the measure then under consideration. With regard to what the right hon. gentleman had said towards the latter end of his speech, he had by no means held out as a ground of the bill, that future legislatures would be less wise, or less competent to provide for the occasions of the times than the present. If the present bill could be reasonably deemed legislating for posterity, every permanent law that ever had passed might be considered as having that effect. The bill left the legislature in the predicament that every other permanent act left it in; for it was the meaning of every such act to operate, until a succeeding legislature should think proper to repeal it. What was there unconstitutional, improper, or unwise in this? If parliament ought not to be left open in the manner provided by the bill, he was at a loss to conceive why that had not been said at the passing of the bill of 1786. He contended that the bill would further the object of the bill of 1786, and give additional vigour to the system therein laid down, by accelerating the period when they could give constant and annual relief to the people, by lessening their burthens. The right hon. gentleman he observed, had stated, that in times of peace and prosperity they might be allowed to take off taxes, but in times of exigence and calamity, they must be forced to impose fresh taxes. Mr. Pitt said, that the present prosperity of the country gave them the means of arriving at the period of continuing annually to take off taxes, earlier than they could have expected they should have been able to arrive at, when they passed the bill of 1786. He felt that they had done a great deal in establishing a sinking fund, for the purpose of reducing the national debt: but he did not think they had done enough, unless they provided means to prevent its inordinate accumulation in future. They would, in his opinion, omit a duty if they did not give to the sinking fund a permanent law, to encourage its continuance. The making some provision with this view, he was persuaded, would carry with it much of the public opinion, which could not but considerably tend to assist the effect of the plan, and render it efficient.

Mr. *Fox* rose to explain. He said, that surely the right hon. gentleman could not mean that the present bill would accelerate the system. He should be glad to hear that stated. Mr. Fox then explained on what principles he had founded his own argument, acknowledging that he had reckoned merely on the annual addition of 200,000*l.* to the annual million, without allowing for the lottery, for the reasons that he had stated. He adhered to his argument as to the impropriety of legislating for posterity; and said, he was aware that the operations of several acts of parliament took place on contigencies: but what he objected to was, the passing an act which provided, that when a future legislature should legislate on the same subject, that then the enactments of a former statute should have such and such an effect. Mr. Fox justified his arguments of that day on the ground of duty, and declared, that no man had a right, from what he had said, to consider him as adverse to the payment of the national debt; whatever might be thought of his prudence or his wisdom, his conduct both in and out of office had certainly not justified any such idea, as he had uniformly been forward in advising rather to continue and even to create taxes, with a view to establish a fund for the reduction of the debt, than not steadily to pursue that object.

Mr. *Pitt* declared, he had not said that the bill tended to accelerate the discharge of the national debt, but that there was not one word in it, that retarded any thing that might be the object of any preceding bill, that might have passed. He was free to confess that the right hon. gentleman had in the present session, especially, shown himself anxious for the discharge of the national debt, by his arguments against appropriating any part of the existing surplus: but he had on former occasions held other language.

Mr. *Fox* said, that he had ever maintained the necessity of establishing a fund for reducing the national debt, and that as strongly during the very short time that he had the honour to sit on the other side of the House, as during the time that he had the honour to sit where he then was. He did not mean to say that he had been as instrumental in enforcing his opinion as the right hon. gentleman:

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he had not had the power to do so: but he wished it as warmly.

The Bill was ordered to be recommitted.

Debate on Mr. Wilberforce's Motion for the Abolition of the Slave Trade.] April 2. The order of the day being read, for the House to resolve itself into a committee of the whole House, to consider of the African Slave Trade, on the motion of Mr. Wilberforce, the minutes of the evidence taken in the last Parliament respecting the said Trade, together with all reports, accounts, and papers, which were laid before the House relating thereto, were referred to the said committee. The House having resolved itself into the committee, sir William Dolben in the chair,

Mr. *Wilberforce* said, that, notwithstanding the ill success he had experienced on former occasions, he was not deterred from renewing his application; for, the more he deliberated on the subject of this nefarious traffic, the more eager did he feel, and the more if possible, was he convinced that it ought to exist no longer. Whatever difference of opinion had before subsisted, and however obstinacy might be led to persist in what prejudice might have prompted; however, in fine, gentlemen might be interested in preserving a traffic which they supposed to be advantageous, yet he trusted that time and reflection had convinced them that the trade was as injurious to their interests, as it was disgraceful to their feelings; and on this ground he should expect to meet with their support to the motion which he had to submit. He professed himself desirous of now holding no other language than that of conciliation. He was fully aware that several gentlemen acted from pure principles, and honourable motives. Judging by the humanity and indulgence with which their own slaves were treated, they could not perhaps conceive how the feelings of others could be so hardened, or their conduct so cruel. But, as it was not to such men that the unhappy slaves had to ascribe their miseries, neither should a few instances of mildness seem to atone for the general severity. He wished not to be misunderstood, so as that it should be supposed, when he reprobated a system, he also reprobated individuals; he hoped that the cause of justice and humanity would be kept distinct from all personal considerations. It was not a Trajan, or an Antoninus, that would make him in love with despotism; for though they might not misuse their power, there were a great many others that would. Aristocracy was often accounted the worst species of despotism, as, instead of one, it produced a number of tyrants; but how incomparably worse was that abominable situation, when people might go to market for the purchase of despotism, and a fellow with 40*l.* in his pocket might commence the occupation of a tyrant. The subject had been so often and so fully discussed, that there were parts of it into which it would not be necessary that he should travel this evening; and therefore he should spare the House the fatigue of listening to, and himself the labour of entering into much detail on the present subject.—It was to be regretted, that, in the discussion of this subject, the different parties had discovered too much warmth. He wished it had not been so, although, indeed, the subject was of a nature that would excuse warmth whenever it appeared; and if he should be led by that failing, to forget any thing material to his cause, it was matter of great consolation to him, that he had friends, whose abilities and inclination would give all necessary assistance, and supply his defects. He could not help thinking on the present occasion, that the gentlemen who were most deeply interested in the welfare of the West Indies, and all those who had formerly opposed him, would agree to the measure he should propose. He wished to call upon them to come to the discussion freely; to inquire what were the causes of the distinction they made between the abolition of the trade, and the welfare of the West India islands; what evils there were, and which of them were curable and which incurable. He believed there were persons in the West Indies who would wish to continue the traffic in negroes, and yet whose feelings had been so strongly affected by what had been said against it, that they would by no means attempt to justify the system. Indeed, it was a system that showed too plainly the evils which attended a government by absolute monarchy. The form of the government of the unhappy Africans was absolute monarchy in general, but in regard to the slave trade, they were under the control of many tyrants; for we saw, by the evidence given of them, that whole coasts were turned into a market for slavery.

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There was something in that very thought sufficient to make every generous mind look with horror on the traffic.

It was pretty generally, and he believed rather industriously, rumoured abroad, that it was his design, and that of his friends, to propose, besides an abolition of the trade, the immediate emancipation of the negroes. This, however, was an intention he could never have entertained for a moment. He was exceedingly sensible that they were in a state far from being prepared for the reception of such an enjoyment. Liberty he considered as the child of reason—a seed which, when sown in any soil, would shoot into a plant, and seldom, indeed, failed to vegetate into maturity That qualified freedom, however, which they were capable of enjoying ought not to be withheld from them; and when disposed to be industrious, and induced by kindness to consider the place they cultivated as their own, they should expect in the end to enjoy the reward of their good services. It was in vain to represent, that at present they were well treated and rewarded, that they had kind masters and indulgent usage. It was not always, perhaps it was but seldom, that the most considerable planters dwelt on their own plantations. They often lived at a distance, and sometimes in another country, while the management of their slaves was committed to their stewards and overseers. In noble minds, there was inherent a generous and humane principle, which sympathised with sorrow, and diffused a chearing familiarity to those who laboured for them. But greatly different were the effects, when power was intrusted to the low, the vulgar, the ignorant, and the base. This was the worst species of tyranny, and of this description were the overseers of plantations, whose only aim was to have as great a crop as possible, regardless by what cruelty towards the slaves they effected this object. By whipping, starving, and overworking these poor wretches, they in general succeeded; though that success might be of real injury to their employer; for the greatest part of his slaves being destroyed by such bad treatment, his profits were more than expended in buying others to replace them; and he frequently was compelled to retire from so disadvantageous a business. But of this the overseers were entirely regardless, and went to another plantation, having their shoulders loaded with the reputation of the amazing crops they produced for their last employer. To talk of protection and security to the persons of the slaves, was idle in the extreme; for as a negro, by the laws of the country was not qualified to give his evidence, he might suffer the most severe cruelties, and no white man be present, of whose testimony he could avail himself, to procure the smallest redress. But supposing he had a competent witness to produce, what chance had he of redress, what hopes of convicting his master before a tribunal of whites? Most societies of men possess, in some degree, what is called by the French *l'esprit du corps;* but these people, of all others, were linked together in bonds of mutual interest, tyranny, and injustice.

The next matter to be here considered, was the law and usage of Africa arising out of the trade in question; and he confessed he could not look at it without the utmost shame and regret. These were evils so great, that, whatever were the characters of some persons concerned in the trade, he should expect to find that no consideration should keep it up, unless it could be proved that the evils were incurable. And here let the committee recollect, that the evidence of those evils being incurable, came chiefly from gentlemen of great property in the islands, but who did not reside there, so that their testimony was far from being conclusive. It was such, indeed, as ought not to come into the question, when there was evidence of a different nature to be had. It was not he who made the abolition of the trade necessary, by any thing that he had urged on it, but it was the advocates of the gentlemen in the West India islands, by their defence of the trade, and particularly those of Jamaica. All they had said upon the subject, in defence of the trade, proved the necessity of the abolition. When they were asked questions upon this subject, they gave first one answer and then another, going from one corner to another, and shifting their ground to conceal the real infamy of the traffic, until closely pressed and unable to defend themselves any longer, they retired from it altogether, and, like the rat, when the house was in flames, changed their station, and hid themselves in the corner of another building. So, in this case, those gentlemen had been beat out of all chance of defending the trade itself, or the abuses of it. They took upon themselves to say, that it would be the ruin of commerce to

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abolish it, and that the evils which attended it were absolutely incurable. And here it would be proper to advert to the condition of these unhappy people in the West Indies, which was certainly wretched in the extreme. This he had proved on a former occasion, by the positive testimony, not only of unsuspected persons on his part, but out of the mouths of the witnesses who professed a friendship for, and wished the continuance of, the trade in question; and therefore, in that respect, it would be unnecessary for him to go into any minuteness of detail. Many of the witnesses were so circumstantial, that, in describing this traffic, they went, as it were to the very minimum of human misery. The slaves situation, as to the punishment to which he was exposed, and to the total absence of all legal protection, was indeed most wretched. They were totally under the control of the whites; therefore to say that they had any real legal protection, was ridiculous and absurd. If they had claims they could not enforce them; if they were oppressed, they could not appeal for redress to their oppressors. Nor was the manner in which they were worked less severe than their want of protection was distressing; they were driven in the field, whipt like cattle, and often branded and treated with the greatest cruelty. Indeed when he reflected on all that was proved in this case, and the imputation that lay on the gentlemen of the West Indies, he confessed he could not entertain a doubt, but that those very gentlemen would join the House in the most earnest desire to put an end to these shameful practices, in order that their characters might be retrieved; and that they would see that the abolition of the trade was a measure which they would candidly admit to be proper, and which they would, from a love of justice adopt. He trusted that they felt as he did; and he was decidedly of opinion, that there was no measure whatever, short of the total abolition of this trade, that would answer the purpose of justice, and do away the infamy, or abate the cruelty, of making a traffic of human blood. He had heard much of colonial regulations, and that it was possible, by means of these, to reduce the trade to some tolerable system. Upon the most mature deliberation he was convinced that no colonial regulation would answer the purpose. But here he begged leave to observe, by way of answer to what might be objected to him, that if he took the evidence of the persons who were the friends of the trade, he was bound by the testimony they gave, and that such testimony was opposite to his idea of an abolition; that those persons gave their testimony in a situation which might reasonably afford distrust; they were enveloped in the thickest clouds of prejudice: but even taking their evidence to be quite accurate, it did not amount to any thing like a defence of the continuance of the slave trade. Suppose, for instance, that these unhappy negroes had all the legal protection of those who enjoy the purest freedom, were they in a condition to make a right use of that advantage? Were they, in short, in a condition to enjoy those advantages which the advocates for the continuance of the slave trade pretend to say they are ready to allow them? Indeed, he was ready to confess that he thought they were not in that condition, and that the granting of these advantages to the unhappy slaves in the West Indies, would only lead them on to demand others, and might produce much discord and misery, and perhaps finally the destruction of the plantations.

This led him to think upon the fate of St. Domingo, which had lately been the subject of much observation; the case furnished us with a lesson, and we ought to reflect on it. In the discussion of colonial possession, the French thought that a distinction ought to be made between creoles and negroes, because they thought the latter could not see and feel liberty as well as the former; and it came to be known by the slaves in St. Domingo, that their condition was to be altered and amended, but that there was to be a distinction between them and the Creoles. Now, if it be true that this was the cause of the insurrection, as the advocates for the continuance of the slave trade would insinuate, how can these advocates recommend what, upon their argument, tends to destroy the happiness of both the whites and blacks, without affording a chance for the happiness of either? These were the dilemmas to which the friends of this traffic reduced themselves, by attempting to defend a system, in itself indefensible; and again proved the fatality of attempting to amend this traffic by any jobbing whatever. But yet he was told, that surely wise laws, for the regulation of these unhappy beings, would contribute much to their happiness. To this he answered, that, before men can benefit by

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the wisdom of laws, it was necessary they should have some idea of freedom. Freedom itself was a blessing the most valuable in nature; but it could be enjoyed only by a nation where the faculty of thought had been for some time employed. True liberty was a plant of celestial growth, and none could perceive its beauties, but those who had employed the nobler faculties of the human soul in contemplating the goodness of the divine essence from whence it sprung. He hoped the day would arrive when all mankind would enjoy its blessings; but this neither was nor could be the case at present with the unhappy negroes in the West Indies; and from these reflections he was led to believe, that no man could in reality be their friend, who proposed any thing that could lead them to hope for their emancipation. The way to alleviate their misery was, to render them attached to their masters, governors, and leaders: this was congenial to the mode they were accustomed to from their childhood; for, in Africa, they led a life agreeably to the patriarchal system. Doctrine contrary to this, seemed to him to be not only improper with regard to the negroes, but unsafe with regard to the West Indies. If any thing should remind them of their rights, and the system of proposed regulation certainly must, he entreated gentlemen to reflect on the number of these unhappy persons, and the vast majority they made of all the inhabitants of the islands; and if there should be any contest, what the consequence would be. What was the result of all this? a very plain one—that if these were dangers at all, they were multiplied tenfold by the importation of negroes; for those just arrived, being less inured to, must be more displeased with the system carried on in the West Indies. Indeed, as an author of great reputation had observed, these successive importations were sufficient to account for all the plots and assassinations that we had heard of in the West Indies. By this mode of introducing new slaves, supposing that a plan of reformation were agreed upon, the whole of it would be entirely out of the question, because every year there would be introduced a set of persons who must of necessity be strangers to it.—Another topic had been observed upon frequently, the insurrection in St. Domingo. Many misstatements were made of that circumstance; and he had felt it his duty to inquire into it, because he thought it necessary for him to inquire into every thing that tended in any degree to elucidate this subject. And here he must observe, that the matter was not a dispute between the black and the white men, or of the debates in France or here. It was a dispute between the people of colour and the white people, wherein the blacks took the opportunity of rising, and some men of colour joined, for the sake of profit for themselves; and the decrees that afterwards passed in the national assembly, which kept alive these distinctions, had been the cause in part, of all the calamities that ensued. All these things proved that we should not encourage importation, under the idea that it might be regulated. He then took notice of the vast increase in the importation of slaves to the West Indies of late years, particularly Jamaica. He believed that, if it was followed up for some time, the planters would have reason to lament they had ever any thing to do with that importation. But it was said, that it was impossible to go on with the trade, without importations from the coast of Africa, for the slaves there got fewer and fewer, and weaker and weaker.

Having thus described the condition he understood them to bear in the West-India plantations, he next proceeded to represent the manner of obtaining them in Africa, in which was involved the question, whether they were made happier by transplanting them to the West Indies? This subject had been so fully discussed last year, that he had no occasion to occupy much of the time of the House upon it at present: he could not hear, however, without indignation, the manner in which humanity was made to be implicated in conveying those men from what was called the cruelty of their native despots. He admitted that the greater part of the continent, particularly that near the coast, was divided amongst a set of despotic little chieftains, who were perpetually at war with each other; but he contended, at the same time, that this infamous trade was the occasion of those wars; that they were generally promoted, and frequently carried on, by the direct assistance of European traders. The chiefs did not confine themselves to making war upon each other: but it also often happened, that when one of the chiefs was in want of any European commodities, which he had not slaves enough to purchase, he would send some of his soldiers by night to set fire to a village, that he might be enabled

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to make captives of the flying and affrighted inhabitants. It was owing to this accursed trade that the natives of Africa were made miserable at home as well as abroad; that no man thought himself secure in his bed, or in the fields; that suspicion would not suffer him to have a friend among his own countrymen, and that in every stranger he met with an enemy. He alleged that the Europeans supplied them with powder and ammunition for their wars, and assisted them in what the language of the traffic called making trade. It would be endless to recount all the instances of violences committed by our vessels, sometimes kidnapping strangers whom they met, and at other times disguising themselves as negroes, and making an incursion in the night to plunder and destroy villages which they were trading with in the day. He observed, that the number of slaves now in the island of Jamaica only was 300,000, while that of the whites was only 20,000, and this alarming disparity they still wished preposterously to increase. He quoted the authority of Mr. Long the historian of Jamaica, in proof of this opinion: and also a pamphlet written by a Carolina planter. They both agreed, that the number of Africans in the islands was already too great, and could not be augmented without incurring the most imminent hazard; that the slaves were already amply sufficient for every purpose of cultivation; and that, when well treated, they were always found to multiply rapidly. Of this he gave a variety of instances, particularly in late years, when their condition and way of living was somewhat mended. That they had not been more prolific, was easily accounted for, by the shameful manner in which their morals were not only neglected, but corrupted, all decency being discarded from every species of intercourse; as indeed, in every point of view, they were regarded and treated as animals of a distinct species from man. This, he said, accounted for the disobedience of their masters orders. Nor was it less to be attributed to the sordid and mean dispositions of their rulers, who treated them as brutes incapable of feeling. Such depravity must beget similar depravity in the minds of the slaves, as was proved by the testimony of even his adversaries own witnesses. These poor creatures were without legal protection, subject to the cruelty of the overseers, over whom there was no control; and those inhuman instruments of oppression whipped them like cattle, not supposing them moral agents, capable of reflection or resistance. Even the women were not exempt from their cruelties: the laws of decency were violated; and this alone should induce the West India gentlemen to comply with the wishes of the friends to the abolition. There was another circumstance. to which he must call the attention of the committee. If the testimony of a slave was not taken, there could be little use in passing any law for their relief. If a white man commits an act of cruelty toward a slave punishment never follows. And what is the excuse given for this act of impunity? Why, that it would be dangerous to inspire the blacks with sentiments of resistance! He thought it would be cruel to give them the shadow of the laws for their protection, without the reality. It would be to give them that which would ultimately prove their ruin; for if their testimony was not allowed in seeking for redress, they must always meet with punishment. It would be wrong to awake in them a consciousness of freedom, without a particle of liberty; it would only create dissatisfaction, and make them still more unhappy.

It had been said, that the trade yielded to this country much balance, and that the abolition of it would endanger that service, by diminishing the number of persons to be employed in it. This had been ably taken up, and well handled by a gentleman of great abilities, Mr. Clarkson. Instead of its being a nursery for seamen, Mr. Clarkson had proved, to a demonstration, that the opposite was the fact. Five-sixths of the sailors he computed to have died in the service, who sailed for Africa; and the mortality was even more than what was stated by his opponents. Out of 12,263, the loss, on an average, in a voyage to Africa was not less than 2,640. Half the crews of the ships employed in that trade deserted, and were lost to the navy. If these proportions were disputed, he was ready to go into an inquiry upon the subject. He knew they would not; and he trusted he had stated enough upon it, without entering into any particulars, or calling here on the House to enter into the consideration of the humanity of the question; the point of interest to the planters was enough.—It had been said, that the abolition of the trade would injure the manu-

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factures of this country; an assertion which had not the least foundation in truth. The persons engaged in the slave trade, were never the means of employing any of the manufactures of this country so as to promote our political welfare. Indeed, they were those who had all their life-time been employed in the war, of whom the celebrated Adam Smith said, that when 100,000 were discharged in time of peace, he did not find that industry was increased, or that trade flourished in proportion to this change from a military to a civil life. The fact was, that people of this description were fit for nothing but the odious business in which they were brought up. He had heard that Liverpool and Bristol existed, as to their merchandise, upon the slave trade. This was a great error; for he had reason to believe that but a small part of the trade of these two towns was composed of this. The truth was, that a few individuals profited much by the traffic; but to state it as a great source of national wealth was ridiculous.

The next point was the interest of the islands in the West-Indies. Where the question was general policy, and so it must be where all the West-India islands were concerned, the considerations of humanity and justice ought to be alive in the recollection; and here he confessed that all he had been saying on the West India islands, and on the principle of policy, were inferior considerations with him. "Africa! Africa!" exclaimed Mr. Wilberforce, "your sufferings have been the theme that has arrested and engages my heart—your sufferings no tongue can express; no language impart!" He said, it was the restoration of these poor distressed people to their rights that he had nearest at heart. There he laid hold of his point; a point which he would never abandon, until he had obtained his object; and to be entitled to it, he had made out a case so clear, so plain, so forcible, so just, so irrefragable, that he was confident there was not one person, even among those who wished well to the trade, who would deny the truth of his assertion; and most particularly, they would not deny what he had said on a former occasion on this subject. He had said, and it was true, that this traffic was totally defenceless. Such arguments were brought on that occasion to oppose him, as perfectly proved their futility, and proved too, that they were the effect of prejudice. It had been stated, that the persons taken by us were prisoners of war. This he admitted; he had not forgot that war still continued to distress and disgrace mankind. He had not forgot, that the persons who were thus the objects of it were his fellow-creatures. Was it not in vain that we attempted to prove to the world, that we encouraged this trade to prevent the negroes from falling into the hands of a cruel tyrant, who would put them to death if we did not buy them? He did not imagine that we should find people shallow enough to believe this pretext. No! the truth was, that our continuing the trade was one great cause of the war; and those who promoted it, were accountable for the mischief it produced. But war was not the one-hundredth, nor the one-thousandth part of the calamity occasioned by this trade. The committee would find, on looking at the evidence, that whole families were carried off from their habitations by fraud, by cunning, by violence. This was proved by a man, who said he was engaged in this very mode of obtaining slaves. He told them that families were divided; and that one part of a family was taken at one time, and another part at another time. It at least had been matter of consolation to the husband to see his wife in bondage, because it fell to his lot to bear it with her; but even this consolation, poor as it was, was denied them. When this was asserted, it had been peremptorily denied by the advocates for the slave trade, and at last it turned out to be true; and the most distressing circumstance to a man of sensibility was, that the witnesses related all these things with indifference, as mere matters of course; a proof that the trade itself had a tendency to deprive its followers of all the feelings of humanity. This was not all; the sanction of law was to be given to this traffic. The name of justice was to be profaned. Men were to be accused of crimes for the purpose of convicting them, in order to furnish an excuse for their being sold as slaves. All the apparatus and machinery of injustice were to be put in motion to deprive men of their liberty; and it was a fact well known, that crimes were imputed to those who had never committed them; so far from it, that they were the best of citizens. Nay, it was now carried on to such a pitch of flagrant injustice, that almost every trivial offence was made a

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crime for which a man was declared liable to be sold to slavery. Another excellent effect of the propriety of continuing the slave trade! For the authenticity of these facts, he referred to the work of Mr. Moore, an ingenious gentleman, who had written on this subject. But there were other facts remaining full as bad and as strong as those which he had mentioned. Europeans hovered round the coast of Africa like vultures, and like vultures lived on blood: they ensnared at times; and at times, by force, took away the natives, and sold them for slaves. This was mentioned on a former occasion. It was denied, indeed, but afterwards put beyond the power of doubt. In short, whatever might have been the system of the slave trade originally, the whole was now become one system of plunder and rapacity; many instances of which might be quoted. One, in particular, to which he adverted was, the conduct of a captain, employed lately in the slave trade, off the river Camarone. He had sent some of his people, with a black in his confidence, to water on shore. The black was seized by one of the natives for debt, and taken off. To revenge this, the captain insisted that his crew should strip naked, and blacken their hides aud wear a flock girdle, and repair on shore. Constrained to this measure, with some hesitation, they agreed. They visited the house of the person who had taken off the black, fired on the family, killed his wife and children; and two poor creatures whom they had wounded, were taken, one of whom died on shore, and the other expired when he reached the vessel. The blacks, accustomed to perpetual warfare, are always alert in revenging insults. They armed, and, in the retreat of the crew, wounded several of the British sailors; and the rest escaped with difficulty. Strange as it might appear, this did not interrupt the commerce. Still Africans, like other men, have feelings; the flame, though smothered, was not subdued. The chieftain, in a week, came on board; and requesting powder and ball from the captain, to make war on his neighbours, to procure slaves, was actually provided therewith. Callous to every sentiment of danger, thus were the instruments of revenge placed in the hands of the indignant chief; and the captain apologized to his masters, by assigning the motive for giving their ammunition to the African; at the same time observing, that he "did not waste their property!" Thus prepared, the chieftain seized the crew and the captain, and carried them on shore. When it was justly expected that death would have been the consequence of their capture, the lesson of depravity had its influence on the natives—avarice triumphed over their feelings—perfidy was repaid by perfidy; and the captain and crew were enlarged, on condition that he would surrender the property which he had on board.

If any thing could sufficiently show the cruelties of our African dealers in the slave trade, these circumstances would do so. All this proved, that, after men were engaged in this trade for a little while, they lost all feeling and sensibility.—Nothing was thought of these things by men who had been a long while in the trade; but it required to be a little used to it, before men could so completely lose their feelings and humanity. But these enormities were increasing; for, no longer ago than last August, when that House was debating on the subject of this very trade, six British vessels had anchored off Calabar, a town which seemed devoted to misfortune. It appeared, from the report, that the natives had raised the price of slaves. The captains consulting together, agreed to fire on the town, to compel them to lower the price of their countrymen. To heighten, if possible, the shame of this proceeding, they were prevented, for some time, from effecting their purpose, by the presence of a French captain, who refused to join in their measures, and purchased at the high price which had been put upon the slaves. He felt with the most painful sensibility, this exposure of the disgrace of his country; but it was the more incumbent on him to do it, as these very men were re-appointed to situations in the same trade, as if they had performed the most meritorious and honourable exploit. However, in the morning they commenced a fire, which lasted for three hours. During the consternation, the wretched inhabitants were seen making their escape in every direction. In the evening, the attack was renewed, which continued until they agreed to sell their slaves at the price stipulated by the captains. In this attack, upwards of twenty persons were destroyed. He described this cruel outrage as a mockery of all feeling, and an insult on the opinions of parliament, and the sense of the

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people. [The House, in a sudden burst of indignation, vociferated, "Name! Name!"] Mr. Wilberforce resisted for a long time; at last the cry overpowered him, and we heard the following names of ships and captains: the ship Thomas, of Bristol, captain Philips; the Betsey, of Liverpool, captain Doyle; the Recovery, of Bristol; the Wasp, captain House; the Thomas of Liverpool; and the Anatree, of Bristol. Such scenes of bloodshed and inhumanity he knew shocked the committee. It shocked him so much, as almost to deprive him of the power of utterance. What hereafter might await such heinous deeds he knew not. He would not have the guilt of having neglected to expose them for all the wealth in the world. The blood of it be on the guilty heads!

The next point was the usage the poor slaves met with in the middle passage, from the coast of Africa to the West Indies; on the cruelties of which he would not expatiate: but as it had been called a nursery for our seamen, he should observe on a few figures in the best computation we had on the subject. In the year 1788 in a ship in this trade, 650 persons were on board, out of whom 155 died. In another, 405 were on board, out of whom were lost 200. In another there were on board 450, out of whom 200 died; in another, there were on board 402, out of whom 73 died. When captain Wilson was asked the causes of this mortality, he replied, that the slaves had a fixed melancholy and dejection; that they wished to die; that they refused all sustenance, till they were beaten in order to compel them to eat; and that, when they had been so beaten, they looked in the faces of the whites, and said, piteously, "Soon we shall be no more." They sometimes threw themselves overboard; but were in general prevented by the high netting placed on purpose to restrain them; and such a death they called an escape. This melancholy, and its attendant disorders mocked all attempts at relief. The wretches on board the ships died sometimes of insanity, sometimes of starvation; and sometimes they were drowned! And was this horrid traffic to be continued as a nursery for seamen? Even when the best regulations had been made, we have lost of our sailors above 11 per cent. When those regulations were in agitation, the merchants in the trade protested that it would not be worth following; and now that those regulations had taken place, they loudly called out, that the motion for the abolition, if carried, would be the means of their losing large profits. What! lose large sums by the abolition of a losing trade! Such were the absurdities to which the advocates of this trade in human blood were driven. In every point of view it was evident, that the interest, as well as the honour, of the country, required a discontinuance of so vile a commerce. We might reap much greater benefits by a commerce of another kind with Africa; and the Sierra Leone company were laudably establishing a trade, by which they would gain immense advantages, without disgracing themselves by trafficking in human blood. It was a mockery of language to say, that relieving the negroes from their native oppression was an act of mercy; for how could mercy exist where it had not justice for its basis? Justice was the primary principle on which human happiness and morals were founded. This unjust, this murderous mercy, which we showed to the Africans, was the same that the ferocious disciples of Mahomet displayed in the massacre of whole christian nations in propagating the Koran; it was the same with the slaughtering humanity of the Spaniards in America, to recommend the inquisition. He could have wished to drop for ever all recital of facts which tended to prove the cruelty of those who dealt in this abominable traffic; but there was an instance which he could not omit in this case.—Notwithstanding the regulation of sir William Dolben's bill, the situation of those wretches in the middle passage was little better than before, and the mortality was equally great. The instance he should mention, was the case of a young girl of fifteen, of extreme modesty, who finding herself in a situation incident to her sex, was extremely anxious to conceal it. The captain of the vessel, instead of encouraging so laudable a disposition, tied her by the wrist, and placed her in a position so as to make her a spectacle to the whole crew. In this situation he beat her; but not thinking the exhibition he had made sufficiently conspicuous, he tied her up by the legs, and then also beat her. But his cruel ingenuity was not yet exhausted, for he next tied her up by one leg, after which she lost all sensation, and in the course of three days she expired. This was an indisputable fact, [Name, name, name!

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resounded from all parts of the House] Captain Kimber was the man. If any thing could, in the annals of human depravity, go beyond this, he owned he did not know where to look for it. But this was not a singular instance, there were proofs, beyond all dispute, of many others. But this was not all. It was well known that it was now customary, to set fire to whole villages in Africa, for the purpose of throwing the inhabitants into confusion, and taking them as they fled from the flames. Of all the trades that disgraced human beings, this was the very worst. In others, however infamous, there were traits of something like humanity; but in this there was a total absence of them. It was a scene of uniform, unadulterated, unsophisticated wickedness. The tyranny and ferocity was not confined to the slaves alone; instances might be produced of oppressive conduct to the seamen; as a proof of which, he need only state, that out of a whole ship's crew, six or seven only returned. Who was to regulate a trade carried on by such agents—a trade too unjustifiable to be continued! Whichever way it was looked at, robbery, murder, perfidy, and desolation stared one in the face.

He then took a general view of all the other points on which this trade had been defended. It had been alleged, he said, that our abandoning the trade would have little effect, if we could not induce other nations to do the same. But this was an observation which they with greater force could turn upon ourselves. They might ask, of what avail would it be to turn aside the petty streams of traffic, while the broad river of British commerce flowed without interruption? But was there not then remaining in our nation that pride which could resist the sordid impulse of avarice opposing itself to justice? Denmark, whose commerce could less than ours afford any degree of diminution, had already rejected the foul intercourse. It was a noble achievement, and should make Britons blush to have missed the opportunity of leading the glorious example. He could not but take notice of the unanimous sentiment which pervaded every part of the nation on this subject. Men who differed on many speculative points and most political topics seemed to think alike when the paramount principles of humanity and justice were in question. Whatever tempests might agitate the lower atmosphere, all was harmony and brightness in the higher regions.

"As some tall cliff that lifts its awful form,
Swells from the vale, and mid-way leaves the storm,
Though round its breast the rolling clouds are spread.
Eternal sun-shine settles on its head."

He had already stated, that the slaves now in our islands were sufficiently numerous for every purpose; that when no more were suffered to be imported, they must of necessity be well treated; that, by proper treatment, they would multiply faster, and be better servants; and if the planters had more ground than was cultivated, they might employ it to greater advantage in cotton and cinnamon than in capes. Improvements of machinery, also, would diminish labour very much; and however useful those colonies were to us, yet, considering by how precarious a tenure we held them in time of war, we could not suffer any material capital to be invested with them: but, whatever might be their value, we should not consider their wishes in opposition to their real interests, and contrary to the principles of honour, justice, and humanity. We had been lately informed, by him who deservedly possessed the public confidence, that our commerce and revenues were in a prosperous state; and while we possessed so many blessings and so much happiness ourselves, surely we could the better afford, and should less grudge, to impart a portion of them to others. Prejudices had once been entertained against the negroes, which no gentleman at present could, without a blush, acknowledge—that as their complexion differed from ours, so also did their nature. This foolish idea being removed, were we to quarrel with them for being savages? He hoped not, for there certainly was not a crime imputed to the Africans, which had not been committed by our ancestors here in Britain. The people of England had expressed their sense against the trade, fully and forcibly, and had addressed the House, as they valued the favour of Heaven, to abolish it. If the petitions of the people were attended to, and if the trade were abolished, we should be enabled to establish another of greater profit with the natives of Africa. By abolishing the trade, the House would do good in every part of the world; all those, therefore, who were inclined to do good by wholesale, he invited to vote with

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him for the abolition. Those who were in doubt on the subject heretofore were, he trusted, at length convinced of the wickedness of the trade, and that the House would that night come to a vote for its annihilation. The recent enormities appeared to have been permitted by Heaven for the purpose of rendering it impossible that any one should have the presumption to justify the continuation of a traffic that was necessarily productive of crimes that admitted of no excuse or palliation whatever. His motion would somewhat differ from that which he proposed last year; though he should never be of any other opinion, than that the trade should be totally abolished immediately.

Mr. Wilberforce concluded by saying, that, in his exertions for the present cause, he had found happiness, though not hitherto success; that it enlivened his waking, and soothed his evening hours; that he carried the topic with him to his repose, and often had the bliss of remembering, that he had demanded justice for millions, who could not ask it for themselves. He then moved, "That it is the opinion of this committee, that the trade carried on by British subjects, for the purpose of procuring slaves from Africa, ought to be abolished." This motion, if carried, he should follow up by another, viz. "That the chairman be directed to move the House for leave to bring in a bill for the Abolition of the Slave trade." In this bill such time might be given for that abolition, as to the House might seem meet.

Mr. *Baillie* (agent for Grenada) said, that circumstanced as he was, as agent for one of the most valuable West India islands, he found himself impelled by duty, to declare his sentiments on the question, which he considered one of the most important that had ever occupied the attention of parliament. He felt it the more necessary to declare his opinion, because a long residence in the West Indies had given him an opportunity of forming a better judgment on the subject, than those gentlemen who had brought it forward. I conceive it, said Mr. Baillie, to be the indispensable duty of men who are, or may be, intrusted with the lead in public affairs, to consider not only the general interest of the state, but of individuals, with a most scrupulous and attentive eye, and to see that the good policy of the country, and the good understanding that has long subsisted betwixt government and our distant colonies, under the protection of various acts of parliament, should not be disturbed, and broken in upon, by such a wild, impracticable, and visionary scheme, as the present question for abolishing the African slave trade. I was induced to flatter myself, that the promoters of the abolition would have contented themselves with the mischiefs that had already arisen, in consequence of the agitation of that unfortunate measure, and that the sanguinary dispositions of a certain description of people, would have been fully satiated with the innocent blood that has already been spilt; but, alas! that it is not likely to be the case; many of them have been heard to exult at the calamities we daily read of; so that, in all probability, the mischief is only done in part, and nothing less than the total destruction of the British West India colonies can content them. I have in my hand a small pamphlet, published by order of the West India planters and merchants, for the information of the members of both Houses. It contains the speech of the deputies of St. Domingo to the national assembly of France, and also the speech of M. Bertrand, the late minister of the marine and colonies, upon the insurrection of the negroes in that island. If the destruction of the most valuable colony in the world, the massacre of its inhabitants, the ravaging the most beautiful part of the creation in a manner hitherto unknown and unheard of, and the unnatural murder of fathers by the hands of their own children, are sufficient to operate upon the feelings of humanity, there is not, I am persuaded, a gentleman in this House, who can withstand the shock; but to me, who have a personal knowledge of the theatre of these dreadful scenes, and who (though an Englishman, and at St. Domingo in the very height of the glorious and successful war that was carried on under the auspices of that great and immortal statesman, lord Chatham) received distinguished marks of kindness and hospitality from many of those families, who by the late melancholy events have been transmitted to oblivion, they are doubly afflicting; and when I bring to my recollection that the causes of all these calamities have originated in Great Britain, I am overwhelmed with sorrow. The island of St. Domingo, is as large as the kingdom of England. In 1789, the imports into that colony from France ex-

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ceeded three millions sterling, exclusive of near 30,000 negroes, which may be estimated at two millions sterling more. The exports from the colony, in the same year, amounted to upwards of six millions sterling, and their trade gave employment to 300,000 tons of shipping, and 30,000 seamen.

Having said thus much, by way of introduction, I must now beg leave to make some observations upon the speech of the hon. mover. I am very far from denying that many acts of inhumanity have been committed in the transportation of slaves to the West Indies, and in their treatment after they have been landed on our islands; but as I believe that the frailties of human nature prevail in pretty much the same proportion, all over the world. it would be unreasonable to expect, among that class of people concerned in the African trade, a degree of moral perfection that is not to be found in Great Britain itself. Ought the records of the Old Bailey to be considered as a fair criterion by which to estimate the character of the English nation? And have there not been committed, in this great and opulent city, acts of as barbarous a nature, as any contained in the mass of evidence now lying on the table? I have lived sixteen years in the West Indies, and, notwithstanding what has been said to the contrary, I do declare, in the most solemn manner, that I consider the negroes in the British West India islands to be in as comfortable a state as the lower orders of mankind in any country in Europe. Before the agitation of this question, their minds were at ease, and they were perfectly contented with their situation; the confidence between them and their masters was so unbounded, that (except in the stores where sugar, rum, provisions, and clothing were generally lodged) no locks were ever used. Such was the general disposition of the negroes in the British West India islands in 1776, when I returned to Europe, and they continued in that happy state until the enemies of the colonies came forward and propagated their pernicious doctrines. But I am sorry to say, the case is woefully reversed at present: the West India islands are filled with emissaries and inflammatory publications by the friends of the abolition. Universal distress prevails; every countenance carries the appearance of anxiety and care; and there is not an estate without a depot for arms lodged, for the purpose of destroying those, whose lives every principle of humanity and interest leads us to preserve.

Having said so much of the civil state of the negroes in our islands, I must now advert to their religious state, beginning with the island of Grenada, where my property chiefly lies. That island, Sir, was ceded to Great Britain at the peace of 1763. Upon our taking possession of it, the negroes were found baptized, and instructed in such of the principles of the Roman Catholic faith, as were suited to their humble capacities. That religion now universally prevails; for as new negroes were imported from Africa, they naturally adopted the religious principles of those they found upon the island, and the priests, who are always extremely industrious in their vocations, never failed of giving them the necessary instructions: so that, in the course of twelve months, they are generally impressed with very tolerable ideas of religious duties. There being no Protestant clergyman at that time in the colony, the gentlemen of the island gave every possible encouragement to the religious pursuits of their negroes. One half of the number on each estate were permitted to go every Sunday to public mass, and the mornings and evenings of the Sabbath were dedicated to religious worship on the plantations, where the whole gang assembled at the dwelling-house, or mansion, and went through the service of the Church of Rome, under the immediate eye of the master or manager, in a manner, and with a fervency, that would have done credit to more civilized societies. As to the religious state of the negroes in the islands where the Roman Catholic faith does not prevail, I am sorry I cannot say much. The Moravian missionaries have of late made great progress in opening the minds of the negroes, in our old islands, to a sense of religious duties: but there is among the clergy of our established church a degree of inattention and indolence very much to be lamented, and which is very unpardonable on their part, considering the ample provision that is made for them by the legislatures of our several colonies. The pious and respectable character, who at present so worthily fills the see of London, is, by what I am informed, extremely attentive to the morals and characters of such men as are admitted into holy orders, for the purpose of occupying the livings in the West India

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islands; and I am perfectly convinced, that all possible means will be made use of by that most excellent prelate, to extend the blessings of the gospel to the negroes on all our plantations.

Mr. Baillie then adverted to the manner in which the hon. mover and his friends, had dwelt upon the severity of the punishments that are usually administered to our negroes in the West India islands, and admitted, that instances of inhumanity might be produced; but I deny most positively, continued he, that the principle or practice is general: and I wish to ask such members as have served in his majesty's navy and army, if it is possible to maintain that subordination that is absolutely necessary among bodies of men, without the fear of punishment? I say, that it is not possible; and as punishments generally fall on delinquents, of whom there are a certain number in every society, I do maintain, that, in every ship's crew and regiment, there is as great a proportion of people who come within that description, as in any gang of negroes in the West Indies, be they ever so indifferently disposed. Have we never heard of seamen being flogged from ship to ship, or of soldiers dying in the very act of punishment, under the lash of the drummer, when tied up to the halberds, and exposed in as shameful and ignominious a manner as can possibly be conceived? Have we not also heard, even in this country of boasted liberty, of seamen being kidnapped and carried away, when returning from distant voyages, after an absence of many years, and that even without being allowed the comfort of seeing their wives and families?

He expressed his concern at the statement of those circumstances, and justified himself, by a reference to the very illiberal manner in which the abolition enthusiasts had brought forward every circumstance that could implicate the West Indies; and remarked, that objects of misery and compassion were much more frequently to be met with in Europe than in America. I declare, without hesitation, said he, that there is more wretchedness and poverty in the parish of St. Giles, in which I live, than there is in the whole of the extensive colonies that now are, and formerly were, under the dominion of Great Britain; taking them from Barbadoes to Jamaica, round by the Floridas, and from thence to the island of Newfoundland.

He hoped the committee would excuse him for dwelling so long upon this part of his argument; and requested their particular attention to the very unhandsome and illiberal manner in which the hon. mover and some of his friends, had treated the characters of many of the witnesses who were examined before the committee of the House. I am very far, continued he, from being disposed to make general reflections on any body or set of men, in the manner that has been adopted by these gentlemen; nor will I go into the particulars of the evidence, taking it for granted, that the unprejudiced part of the House will consider the individuals that have been brought forward on the part of the African merchants, to be full as respectable, as unbiassed, and as independent in their characters and situations, as those who have appeared on the other side. As to what regards that part of the evidence which applies to the West Indies, I am of a very different opinion indeed; I admit, Sir, that there were produced by our opponents, some persons, to whose testimony a certain portion of credit ought to be given; but they were few in number, and therefore I will venture to say, that their general body of witnesses was composed of ill-informed, ignorant, and low men; many of them picked up in the streets of Liverpool and Bristol, where they were starving for want of bread, having neither ability nor reputation to get into any employment; and hired by the emissaries and agents of the society in the Old Jewry, for the very purpose of giving such testimony as would mislead the minds of the public, who had already been wrought up to an extraordinary state of belief, by the publication of the most incredible chain of incidents that ever appeared in print. Have we never heard, Sir, of the names of Rodney, Barrington, Hotham, Macartney, Vaughan, or Campbell, and the many other great and respectable characters, who were examined before the committee, and gave ample testimony to the comfortable situation of the negroes in the West Indies? Is the evidence of those gentlemen to be set at nought? Or rather, are we not to give full credit to the words of men, to whom their country, in a great measure, owes the weight she at present possesses among the nations of Europe? For my part, Sir, I was filled with indignation at the very idea of drawing the opinions of such illustrious characters into comparison

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with the evidence of those on the opposite side, upon the discussion of the subject last year; and I lamented exceedingly, that I was not then in a situation to give my sentiments upon it.

He then proceeded to state the value and importance of the West Indian and African trades to Great Britain. It is not my intention, said he, to take up the time of the committee, with an account of the revenue arising to government from the importation of the product of our West India islands; as probably I may be told by some of the politicians of the present day, that a similar importation from Ostend or Havre, would in that respect be attended with the same advantages to Great Britain. I will therefore confine myself to our trade and navigation to the colonies and to Africa; and will ask, if the exportation to, and the importation from, the British West India islands and Africa, to the amount in the whole of ten million sterling annually, the giving employment to 300,000 tons of shipping, and about 25,000 seamen, are not objects of the utmost importance to Great Britain?—Having mentioned in a concise, but accurate manner, the value and importance of our West Indian and African trade, he pointed out some of the authorities, upon which our claims are founded; of the dependence of the colonies upon the African trade, and of the injustice and impolicy of the present question. However much it may be the fashion of the present times to prefer the opinions of retired and speculative philosophers to the wise colonial system that has been established by our forefathers, and by which this country and the colonies have thriven; yet he was convinced, that the present parliament was too much awake to the true interests of Great Britain, not to pay proper attention to the encouragement and protection that have been given to the West India colonies, and to the African trade, since their first establishment. The acts and declarations of the British legislature, most material to this question before the House, may be classed under these heads, viz. 1st, Such as declare the said colonies, and the trade thereof, advantageous to Great Britain, and therefore entitled to her protection and encouragement. 2dly, Such as authorize, protect, and encourage, the trade to Africa, as advantageous in itself, and necessary to the welfare and existence of the said sugar colonies. 3dly, Such as promote and secure loans of money to the proprietors at the said colonies, either from British subjects, or from foreigners. The several acts are as follow, viz. In the first class, 15 Car. 2, c. 7. 22 and 23 Car. 2, c. 26. 7 and 8 W. 3, c. 22. 9 and 10 W. 3, c. 23. 3 and 4 Ann, 6 Ann, c. 30. 6 Geo. 2, c. 13. 12 Geo. 2, c. 30. 27 Geo. 3, c. 27. In the second class, 1662 Cha. 2, 1672 c. 2. 9 and 10 William and Mary, c. 26. 5 Geo. 3, c. 44. 23 Geo. 3, c. 65. 27 Geo. 3, c. 27. In the third class, 5 Geo. 2, c. 7. 13 Geo. 3, c. 14. 14 Geo. 3, c. 79. If any dependence was to be placed upon the acts of the British legislature, the authorities he had quoted must operate upon the minds of the unprejudiced, in so forcible a manner, as to afford every reasonable hope for the most perfect security to our properties. They appeared to him to preclude the necessity of farther argument; but, added he, as we have experienced a want of candour on the part of our opponents, which could hardly have been suspected, I must once more trespass on the goodness of the committee, by requesting their attention to the encouragement and protection that have been given to the West India colonies, and to the African trade, from the reign of Charles 2, down to the present times, and especially during the reign of queen Anne. That reign, which may very well be called the Augustan age of Great Britain, was distinguished by the appearance of the most enlightened characters in all departments that ever any country produced; many of them remarkable for their piety and learning, and whose writings will live for ages, after the wretched productions of the miserable schismatics of the present day are buried in oblivion. Yet, Sir, we do not find, in the Parliamentary History of those days, nor in any other writings that we know of, the least tendency to such wild and destructive doctrines as the present. No, they were reserved for this age of novelty and innovation; and for the temper and disposition of a certain description of people, which are amply manifested by the publications of the most inflammatory and dangerous tendency with which our daily papers are crowded, and disgraced. I am perfectly satisfied, that the question before this House is only an introduction to greater evils. The West Indies is the most vulnerable part of our dominions; and being at a distance, and having few

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advocates in parliament, is of course the most likely to become an easy prey to artful and designing men; however, our brethren in those islands being the sons of Britons, and their forefathers having carried across the Atlantic Ocean all the rights and privileges that appertain to British subjects, you may rest perfectly satisfied, that they will not tamely submit to be robbed of every thing that is dear to them. The abolition of the slave trade will be an absolute breach of the compact that ties the colonies to the mother country; and being founded on injustice, and contrary to the spirit and meaning of the laws of England, will meet with universal resistance. I am perfectly well acquainted with the temper and disposition of the inhabitants of our West India islands; they possess abilities, having in general received the best education this country affords, and having a lively and just sense of their own rights and privileges. I consider it my duty, as a most hearty well-wisher to the true interests of this country and its colonies, to inform this House, that it is not in the power of Great Britain to prevent the introduction of negroes into the British West India islands. A serious attention to the several acts I have mentioned, and to the many other authorities with which our books are filled, must convince every unprejudiced mind, that the laws in existence have given as perfect security to the lives and fortunes of his majesty's subjects in the West India islands, as they do to his subjects in Great Britain; and that their property cannot be meddled with or diminished, in any shape whatever, without full and ample compensation. If Great Britain is in a situation to purchase the fee-simple of the property in all our islands, I, for one, have no objection to the making of a bargain. But how is the value to be estimated? Agreeably to the principles of the laws of England and of the colonies, by a jury of the vicinage; for I can assure the hon. mover of this question, that we are not at all in a disposition to have that material point ascertained by the discretionary opinions of his friends in the Old Jewry. Do not the report of the committee of privy council, and that immense body of evidence that was taken before a committee of the House, declare most positively that our present stock of negroes cannot be kept up without an importation from Africa; and that if the African trade is abolished, there is an end of every species of improvement in all our islands? How, then, are the proprietors of lands in the ceded islands, which were purchased of government, under specific conditions of settlement, to be indemnified? And what is to become of an hon. friend of mine, now a member of this House, and sitting near me, who, with another gentleman and myself, purchased the lands that were granted by the crown to general Monckton in the island of St. Vincent, in the year 1773 or 1774, in consequence of the address of the House of Commons of that day to his majesty, and as a reward for that general's military services? The American war, which immediately succeeded our purchase, prevented our making any progress in the sale of these lands until 1784. Our sales then commenced, and went on very briskly until 1788, when it was first known that a plan was in agitation for abolishing the African slave trade. Since that period we have done little or nothing, and we have now 1,500 acres of the land on hand, which will be of no value whatever, if the present question should be decided in the affirmative.

He then demanded, whether any gentleman could pretend to say, that the colonists have not a just claim upon the government of this country for full and ample compensation? But, waving for a moment the unfashionable doctrine of colonial rights, how could compensation be made to the many thousand manufacturers, who at present find employment in providing the numberless articles that are daily wanted for the use and consumption of the West India islands, and who must sooner or later experience the distress that will result from the present phrenzy, if the colonies should be suffered to go to ruin? Is there a shoe, is there a stocking, is there a hat, or is there a yard of cloth of any kind, used by the inhabitants of our islands, that is not manufactured in Great Britain? Nay, the very implements of husbandry, the provisions and luxuries that are necessary for the consumption of our tables, go from this country, and that at a considerable expense of fresh commissions and insurance, every shilling of which centers in Great Britain. Is not the whole surplus revenues of our estates spent here, and are not our children educated in this country, and instructed in those principles of affection and loyalty, that have ever made them consider Great

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Britain as their mother country? And let me be permitted to ask the most inveterate of our foes, if we ever have, by any act of sedition or rebellion, forfeited in the smallest degree the countenance and protection which, as sons of Britain, and subjects of the same good and gracious sovereign, we are most unquestionably entitled to? I maintain that we have not; and therefore, as a colonist, and in the name of the British West India colonies, I demand of the parliament of Great Britain, that support and protection which, upon the principles of good policy and faith, they are in duty bound to afford us, in common with the rest of his majesty's loyal subjects.

There was still one consideration more, of full as much importance as any he had mentioned, and that was, the fatal effects a diminution of our trade would have upon the navigation of Great Britain. Did it not appear, by the evidence on the table, that the West India trade is considered a most excellent nursery for seamen; and in all the wars we have of late been engaged in, had those seamen not been found the most active and useful body of men in his majesty's navy? For my own part, considering the navy as our best and most natural defence, I am one of those who think that seamen ought to be made by all possible means; and, upon that principle, I contend, that the trade to Africa should meet with every encouragement this country can give it.

Mr. *Vaughan* rose to vindicate the planters. He lamented, that in the discussion of the question their conduct had been involved with that of the traders; particularly as this view of the business had been used to stop the supplies of negroes from Africa. In this stage, he apprehended, it was necessary to remove any prejudices which might arise respecting his testimony, as he was connected with the West-Indies by birth, profession, and private fortune. He had not resorted to merchandize from motives of necessity, but from those of independence, a noble personage having offered to provide for him in a very ample manner. At an early period of life he had resisted this temptation, and resolved to improve his own fortune, free from the operations of political parties. With regard to his sentiments of freedom, he believed every person would be convinced, that he had certainly imbibed principles of the most laudable nature, when he mentioned, that he had been the pupil of Dr. Priestley, and had also studied with Mrs. Barbauld's father. To gratify his curiosity, and to establish in his mind the complete truth he had visited Jamaica. There he learnt, first, that the negroes were not in a state to embrace perfect liberty; secondly, that their civilization would be attended with wants unavoidable in similar circumstances; and that those who had embarked their fortunes in the colonies, might be inevitably ruined. What had entailed upon the planters some degree of opprobrium was, the correction of the species of negroes called Maroons. They constantly refused to work, and threw the labour upon their wives, who were ruled by their husbands in the most despotic manner. The emancipation of the negroes appeared to him impolitic and impracticable. Civilization was progressive, and should precede the grant of freedom. It ought, at the same time, to be recollected, that in a civilized state the mind had wants; but, in slavery, the body alone suffered. Between the tropics, white people could not be employed, the excessive heat of the climate rendering their services useless. The planters were anxious for the completion of their work; they required workmen, not slaves. Instead of the abolition of slavery, he most earnestly recommended schools for teaching the Christian religion, by which the purposes of society would be better answered than the indulgence of wild theories, which had already been too inimical to the community at large. The whites, he soon saw, could not replace the negroes in the field; a fact which the Sierra Leone company had lately themselves acknowledged, in opposition to Mr. Ramsay. The situation, also, of the negroes was better than he could have supposed: for clothes and fuel they could have little want on account of the climate; they had a house and land gratis; they suffered no imprisonment for debt, no fear of not being able to support a family to deter them from marrying; their orphans and widows were sure to be taken care of, as likewise themselves, when old, or meeting with accidents; they had medicines, surgery, midwifery, and attendance gratis; they had their private property, which no master ever took from them. They were perfectly resigned, at the time he was abroad, to their situation, and looked for nothing beyond it. Negroes formed the

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labouring poor of the islands; and with respect to necessaries, they appeared as happy as any other poor, and had as many amusements of their own and as much cheerfulness. It was cruel to say, as Mr. Ramsay had done, that they had only four or five hours to themselves in the four and twenty, for this was not enough for sleep, much less for their night rambles. To prove these assertions, he affirmed, that in all his excursions through the island, he had not seen any beggars; every person was employed, and the negroes had the disposal of the money which they could acquire in their leisure hours. As to Africa, there seemed no mode at that time of preventing her supplying fresh slaves; so that he did not conceive how an error in the importation could be corrected, unless by a change in the spirit of the times.

Mr. Vaughan now proceeded to notice a number of prejudices respecting the colonies: first, that it was nothing but cruelty which occasioned the inequality of deaths and burials. But was it cruelty that occasioned this inequality in the great city of London; or in particular classes of people in all places, such as domestic servants, soldiers, &c.? It was owing to celibacy, or disease, according to the case. Among the negroes, it was owing to the formerly prevalent plan of having more males than females imported, and to the dissoluteness of those people, as well as to their diseases; particularly among the children. He remarked, that the two opinions seemed contradictory, that the negroes were wasting from cruelty, and yet that they increased so as to make farther importations superfluous. He then paid a high compliment to Mr. Pitt, and noticed one of his objections on the subject of colony population. He spoke also of a difficulty about population, even in these islands, which nearly kept up their numbers by procreation; which was, that the failure might be owing to the increase on one estate compensating for losses upon another. Different estates, from different causes, were more healthy than others; but it should be considered, that these estates would not interchange their numbers. Whereas, when labourers were freemen, they circulated from one employer to another, and appeared wherever they were wanted. In small estates, or small islands, any calamity made a deep and permanent impression on the population; such as famine, plague, small pox, or war. This disaster was exemplified in Indian tribes, in many cases in history, some of which cases had lately operated in the West-Indies.

He contended, that all chastisement with respect to negroes was not cruelty; the owners of slaves generally withdrew them from all public justice; so that criminals who would be publicly executed elsewhere, were often from a mistaken humanity, kept alive by their masters, and liable to be punished repeatedly from repeating their faults. Distributive justice occasioned many punishments, as every slave was to be protected against every other slave. The care of the negroes themselves, as to their health, provisions, clothing, family, and the like, occasioned other punishments.—So far were the negroes from being neglected, that infinite anxiety occurred with many owners about their slaves, whom they often visited in person when sick; and to corroborate these facts, the evidence before the House had stated that 9*l.* sterling had been given for attending a difficult case in midwifery. Many diseases were new to Europeans in the islands, and required time to admit of a plan to perfect the cure. Thus a diminution of the number of negroes, in the colonies, might happen without cruelty. On the whole, he had seen little, if any of the cruelty or outrage talked of; none at all on the estate where he resided; and the whip, the stocks, and confinement alone, were in use in other places. Thumb-screws and other instruments of torture having been entirely abolished.

He confessed that there was room for much amendment; he would mention what occurred to him on this head, because, if proper, his hints might receive the sanction of government. In the mean time, those persons who complained of the colonists, might do much service by resorting to the islands, and by teaching the planters how to take care of their estates and preserve their negroes, for which purpose many were ready to sell their properties to them at advantageous bargains. Thus the philanthropy of the age might be indulged, and the present proprietors might receive some compensation for their property. Missionaries, some of the itinerant clergy for example, present at the debate, might be of the utmost utility in the islands. The Catholics in the ceded islands, and the Moravians at Antigua, had been of the greatest

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benefit; and many planters and several island legislators, had recommended the expedient. Where religion was once instilled, there would be less punishment; more work done, and better done; more marriages, more issue, and more attachment to their masters and to the government.—Another article of much importance, was to institute medical societies. Medical men had often much enthusiasm, more than in most other professions, and certainly more than in the church, the law, or the army. Their communications would contribute much to the public benefit. They had many new diseases to encounter where they had no ancient practice, nor the knowledge derived from neighbouring countries to assist them. The diseases of negro infants were particularly worthy of their attention, as he himself knew no remedy for the great disease by which they were attacked. Task work was another improvement; there were inconveniencies in it easily to be avoided, such as having too much severity exercised upon the negroes at one time, and permitting them too much relaxation at another.—Premiums had been given to mothers for the number of children reared, but fathers had hitherto been forgotten. To these premiums might be added honorary distinctions and solid advantages, which would cost nothing to the owners. Negro evidence should be allowed to be given in courts of law, with an option to the court or jury to accept it according to the case. Cruel masters might be punished in various ways. Their negroes should be taken from them, and put into trust. Every instrument of punishment should be abolished, excepting the whip, to which might be added confinement. A limitation of the number of lashes appeared to be necessary, and should it prove insufficient, it should be ordered that the punishment should not be repeated till after due intervals. No danger could occur in making examples of white persons for oppression of their slaves. Such a salutary measure should be immediately adopted. The characters of the colonists, whose conduct is exemplary, are injured by being confounded with those of the most base of mankind. It is detestable to think how far the principle of sheltering the whites may proceed: in fact, they ought to extend no farther than is deemed necessary to secure the slave on the one hand, and his protection on the other. Mr. Locke, indeed, in his Constitution of Carolina, says, that the authority and power of the master is absolute; but he recommended that the slave should be permitted the choice of his religion, and the liberty of attending it. If the abolition of the slave trade were to pass, he trusted their attention would be turned to indemnification.

Mr. *H. Thornton* said, he sincerely regretted that some mercantile men, of more weight and ability than himself, had not risen to vindicate the honour of commerce, and rescue it from the disgraceful imputation, that it had, or could have, any thing in common with thesl ave trade, which was a scandalous traffic n human flesh. The two hon. gentlemen who had opposed the motion, had both travelled to the West Indies; but they had not visited, even in imagination, the coast of Africa, from whence the wretched slaves were brought; nor had they thought proper to take the least notice of the enormities, which disgraced the name of Englishmen on that coast. The two hon. members agreed, that it was necessary to the planters to find men to work their estates, and that, if they could not get them elsewhere, they must procure them from Africa. This somewhat resembled the advice of the father to his son,—"Get money honestly if you can; but at all events get money." For it meant this:—"Workmen we wish to procure honestly, if we can; but we must have them at all events." He would not allow that the traffic in human flesh was a trade; he could view it in no other light than as a crime; and he would not sanction a crime by rendering it an object of regulation. He called upon all those to whom the character of a British merchant was dear, to come forward, and rescue that respectable name from disgrace, by putting an end to a system of barbarity, rapine, and murder.—In addition to the instances of kidnapping given by Mr. Wilberforce, he gave some others that had occurred on the coast near the new settlement at Sierra Leone in which he was concerned. A shot was one day heard; and, on inquiry, it was found to be a kind of *feu de joie* for the capture of an unfortunate man, who was to be sold as a slave. A man had actually sold his father, who was a rich man; and he redeemed himself by selling to the English some of his own slaves. Thus was nature perverted by a commerce which we had introduced among the Africans. He read a letter

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from king Naimbanna, in the neighbourhood of Sierra Leone, who complained that three of his relations had been kidnapped, and carried off to the West Indies, where they were at that moment in a state of slavery. The letter was as follows: "My subjects and the subjects of other kings, have been stolen away by the inhabitants of all nations who visit this coast. Three of my own relations have been taken away by captain Coxe, and sold for slaves, for what reason I know not. I never molested the property or person of others. I love the natives of Great Britain; I have borne many insults from them, which have occasioned me to be silent so long; whether I shall see my relations again I know not, but those who took them will be called to account for their actions one day or another." Such was the dreadful state of that country, that neither kings nor people were safe; and, in fact, the greatest hinderance they had found to the establishment of the Sierra Leone colony, was owing to the general dread which the natives had to reside near the coast. Mr. Thornton insisted, that, as the trading in slaves was against every principle of justice, we ought to renounce it at once, and not suffer any miserable idea of policy to prevail, in making us retain what it was impossible for us to defend. He said, the coast near the new settlement at Sierra Leone, had once been populous, and highly cultivated; but, in consequence of the appearance of our slave ships there, it was now almost a desert. He maintained, that, by cultivating a good understanding with the people of the country, by encouraging them to cultivate the earth, and showing a sacred regard for property, we might open a thousand channels of commerce with them, which might be carried on on both sides without occasioning a pang to the feeling bosom, or bringing a tear into the eye of humanity. The number of forts which we possessed along the coast, with districts round each of them, afforded us better means than any other European nation possessed of giving the natives a taste for agriculture, and the true objects of commerce. He was of opinion, then, that we ought to avail ourselves of this circumstance, and renounce immediately the infamous slave trade, which was a reproach to us both as christians and men. He adverted to the petitions before the House, which he maintained showed the sense of the public, with regard to the general injustice of the trade, and that it was derogatory to the character and dignity of the nation, to suffer it to be carried on.

Mr. *Vaughan*, in explanation. The hon. gentleman who spoke last supposes that I am a friend to slavery. I said I had some property in the West Indies, and, being an elder son, might have looked to the possession of negroes: but I declare I never had, nor ever will be possessed of a slave. As to the slave trade, I thought what I had said might have explained my feelings. I would sacrifice any thing to a prudent termination of both evils, for all persons must wish that neither had commenced. I was anxious to protect absent characters, and confined myself to parts which might, in the result, remove prejudices from the colonists.

Colonel *Tarleton* said, that notwithstanding all the violence with which this motion was supported last year, notwithstanding the indefatigable exertions of the junto since that period, which were fully evinced by the pile of petitions that had been placed upon the table, he should not shrink from the question, but proceed to argue against a speculation which, if carried into effect, must eventually prove destructive to the interests of this country; being firmly convinced that, humanity to become laudable should be tempered with justice. As one of the representatives of a great and flourishing commercial town, as a friend to the rights and properties of many thousands of manufacturers, merchants, and planters, and an advocate likewise for humanity, good policy, and justice, he would proceed briefly and clearly to state those arguments which occurred to him against the abolition of the African trade. I shall not now, observed the colonel, notice the origin of the trade: the sanction it has received from parliament; the state of ignorance in which the natives of Africa are involved; the horrid despotism which pervades it, in consequence of that barbarism; or compare the wild government of the West Indies with the savage tyranny of the kings and princes of Africa; but endeavour to point out the impolicy and impossibility of abolishing the African trade. The different states of Europe are, and have been for ages past, solicitous to increase their commerce, their colonies, and their slave trade; and by experience have found, that the prosperity of all depended upon the success of each. I need not enumerate the Portuguese, the Danes, the Dutch, the Spa-

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niards, and the French, who were reported in this House to have been on the start to outrace us in the suppression of the slave trade, but who, by authorities which I have now in my hand, are actually foremost for its continuance and extension. It is apparent, therefore, that if we were disposed to sacrifice our African trade, other nations would not enter into so ruinous a plan. The French, for instance, depend greatly on their West-India trade as a source both of revenue and navigation. Will they suffer a trade, upon which their whole commerce turns, to languish. No; they would thank us for our mistaken ideas of humanity, and would profit by them! the disadvantage would be ours, the advantage would be theirs; and the condition of the African would be exactly the same whether he crossed the Atlantic in an English or any other European bottom; and should we persist in so wild a project as abolition, the continent would soon be supplied with English houses, English ships, and English capitals.—Having stated the present situation of Europe, with regard to the African trade, he thought it did not require much penetration or judgment to detect and expose the fallacious doctrine of those sectaries, who would attempt to abolish, what other nations encourage and protect. Unless all the nations of Europe enter fully into the project of abolition, we only create difficulties and embarrassments for our merchants and manufacturers, without effecting any other purpose. Nay, perhaps our present wild, fanatical manner of conducting this speculation, may alienate the affections of our colonists, who, through a deluge of blood, may work out for themselves another independence, or may throw themselves into the arms of those confederated states, whose constitution tells us, that they have a sacred regard for public faith, and private property.—Partial extracts of the debates of this House, and the garbled statements of evidence, which have been so industriously circulated, both in this country and through all the colonies, have created alarm and distrust throughout every island in the West Indies. All the letters from that quarter of the globe speak most forcibly of the mischiefs which actually threaten the white inhabitants. I have, within this last week, received a letter from a respectable officer at Antigua, describing the sickly situation of the king's troops, owing to the frequent detachments required from them, in order to awe, or suppress insurrections amongst the negroes throughout the different islands. Government has been made acquainted with these circumstances, and the perils which consequently impended; and to relieve the minds of the colonists, and to counteract the absurd vote of the minister, that very minister has been compelled to send a reinforcement of infantry, and a regiment of light dragoons: the vote of this night may require additional troops, and if this chimerical project is to be revived every year, the army of England may be fully employed in the West Indies.—On the subject of the petitions which have been lately presented, though I entertain the highest respect and veneration for the petitions of the people of England, I cannot yield my admiration on the present occasion, because I think that their sentiments have not been fairly collected. The form and language of the petitions bear too strong a resemblance to each other; they appear to be the manufacture of the sectaries of the Old Jewry; and the signatures do not stamp them, in my mind, with any additional credit or authority. Unexpected and unsolicited letters have lately poured in upon me, from the most respectable individuals, in all parts of England, describing the various artful modes adopted, for obtaining and creating signatures; and to an hon. member now in my eye, I am indebted for an extensive correspondence, even in the remotest parts of Scotland. In some villages and towns, mendicant physicians, and itinerant clergymen, have exercised almost unexampled zeal and industry, and displayed the ingenuity of Scapin to extort names from the sick, the indigent and the traveller; in others, the grammar schools have received ceremonious visits from the indefatigable emissaries of the abolitionists; and the boys have been indulged with the gladsome tidings of a holiday, provided they would sign their own, and the names in the neighbourhood; and when, on examination, the inhabitants could not furnish signatures sufficiently numerous, they have been desired to employ their imagination, to give to "airy nothing a local habitation and a name!"—The colonel then adverted to the letters in his possession, to support what he had just advanced, and read several extracts. The magistrates of the places, continued he, whence these extraordinary petitions have originated, have seldom been ap-

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proached. The Town-halls have still more rarely had these petitions displayed in them, in order to await the deliberation, the decision, or the signatures of the grave, respectable, and informed part of the community. No, Sir; parts of the flimsy hearsay evidence, which for a length of time oppressed and disgraced the table of this House, were mutilated, distorted, and reduced to the size of pamphlets, in order to promote their circulation throughout all the alehouses and excise-offices in this kingdom, where the unwary and uninformed were tricked out of their humanity, by inflammatory extracts; and from such sources most of the petitions, which I had almost said disgraced the signers and the receivers, have been produced. Great God! is this a decorous manner of ascertaining or showing to the world the sentiments of the people of this country? No, Sir; it is equally an insult and a mockery upon the people and parliament of England. He then adverted to the difference of the evidence brought before the privy council and the select committee of the House, by both parties, previous to the discussion of last year. I need not, said he, stigmatize the abolitionists, by mentioning the names of the generality of their evidences; nor need I say any thing more in eulogy of the principal evidences brought forward by the merchants and planters, than merely repeat the names of lord Shuldham, Admirals Barrington, Arbuthnot, Edwards, and Hotham, commodore Gardner, lord Macartney, lord Rodney, sir Ralph Payne, sir J. Dalling, sir Archibald Campbell, Mr. Baillie, Mr. Hibbert, and a long list of other respectable characters. If I was to analyse the bulk of the evidence, I should exhaust the patience of the committee, in contrasting the ignorance, the malice, and fanaticism of some, with the veracity, the ingenuousness, and the candour of others.—The hon. mover has been pleased to enlarge upon the losses sustained on the passage from Africa to the West Indies. Notwithstanding his calculations, his fabrications, or his comments, I pledge myself that the average loss per cent. does not exceed 4½, since the regulations were imposed on the slave ships. And if we advert to the voyages of the king's troops, or the transportation to Botany Bay, the comparison is highly favourable to the African trade.—Another assertion of the hon. gentleman I beg leave likewise to repel. He still chooses to enlarge upon the mortality amongst the seamen, and from thence draws an inference prejudicial to the town of Liverpool and city of Bristol. For the former of those ports, I must again repeat what I had the honour to assert in the House last year, as no event has since occurred which gives me reason to doubt its veracity: viz. that the Liverpool African trade is, in proportion to the number of hands it employs, the most productive nursery for seamen that belongs to the commerce of this country. The hon. gentleman was pleased to say that white people, and the sailors in particular, could work in the West Indies. In answer to that assertion, I shall refer to the testimony of many respectable officers. It has been found by experience, that the natives of Europe could not endure any labour under the intemperate heats of the West Indies. Frequent attempts have been made to cultivate estates with white labourers. In this experiment the French are said to have lost 12,000 whites in 1763. The assembly of Jamaica offered great encouragement, in 1749, to induce white families to settle in that island, but of the few that went, in ten years there were no remains.—With respect to the value of the African and West India trade to this country, examined either separately or connectively, no person has yet presumed to doubt the benefits derived from them. The manufacturers and merchants of this country find their interest materially allied to the existence of the former; and though the hon. mover was pleased to style the African trade a lottery at Liverpool, it has been found by experience to be generally a profitable concern, and that the morals and fortunes of the individuals who enter into it, are not so much debased and ruined as those of many of their neighbours, by their connexions with the state lottery of this country. He then took a general view of the consequences which must necessarily result from the proposition, if carried: and stated, that by an abolition, several hundred ships, 7,000 sailors, and some millions of industrious mechanics, would lose their employment, and be rendered worse than useless; for a sudden chasm of this sort would undoubtedly be productive of the most dangerous consequences to society. A yearly deficit of six millions, which is the lowest average, admitted by all sides of the House, and which would fall on the manufacturers, ship-builders, and a large

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body of the working people, would be sensibly felt in this country. And if we add to this defalcation of our commerce and revenue, the loss of our colonies, which are estimated at seventy millions, which, from the best authorities, are totally dependent on the African trade, what new discovery, or contrivance is to remedy an evil which would palsy the very existence of the national prosperity? The opposition to the question now before the House is so connected with the well-being and good government of this country, that if I was an enemy to the constitution of England, which has been the work of ages, and which, though a good, all must acknowledge to be a very complicated, machine, I would vote for the abolition of the African trade. It certainly will be allowed, that a government constituted like the one we now enjoy, is a new work in the annals of mankind. The great extent of commerce and credit, and the stupendous national debt, which overshadows the revenue of Great Britain, are circumstances to which we can find no parallel in history. Through the medium of science, and the extension of labour and manufactures, we are enabled to penetrate into every country, to become the merchants of every state, and the citizens of every clime. To our commercial success, therefore, we may fairly attribute the great increase of power, wealth, and consequence; and our public, and national debt has unfortunately, whether from error in government, or not, I will not pretend to decide, kept pace with that power, that wealth, and that consequence. If, therefore, we attempt to circumscribe the means which have enabled us to arrive at the summit of commercial prosperity, shall we not endanger our constitution by rashly drying up the sources which swelled the tide, and gave rapidity to the current of our commercial importance and national revenue? I need not enter into a minute description of the African trade, or the origin of the national debt. If either were to commence *de novo*, there would not be found a more strenuous opposer of such speculations; but circumstanced as we now are, it is the interest and duty of every good citizen, not to oppress the main spring of government, but to facilitate, and regulate its movements with care and circumspection. But if we violate the sanctity of parliament, and touch the vitals of our commerce, with a rough and injudicious hand, we endanger the existence of our constitution. By the moderate and prudent interference of this House, the African trade, if mal-practices exist in it, may be meliorated. But if, with an imprudent temerity, we daringly strike at the root of our commerce, we undermine our present advantages, destroy our future expectations, and the representatives of the people will be guilty of suicide upon the laws, the prosperity, and the constitution of England.

Mr. *Montagu*, before he entered on the argument, wished to obviate a prejudice that was entertained against the friends of an abolition of the slave trade, who were accused of proceeding in a rash and precipitate manner to their conclusion, upon abstract and impracticable grounds, and of insisting on an absurd extreme by abolition, while they rejected a wise, temperate, and practicable medium by regulation. To do away this prejudice, he was desirous of offering some preliminaries to the adversary, which might serve as a just point of reference between them, All he should require on their part would be to concede, that in the slave trade there exists a great evil, which must of necessity be remedied, and that the means of remedy ought to be such, as would be effectual to the object, and not an idle mockery and delusion. In return for this concession, he was ready to admit, that, inasmuch as it is the duty of legislators to remedy existing evils, it is no less their duty to apply that remedy in the least hazardous manner the nature of the evil will admit, and to feel themselves responsible, that the hand of the physician should be the hand of a friend, and not the rash interference of an empiric. He hoped the House would feel, that while he offered these principles as a standard by which to measure all he had to say on the subject, he was desirous of establishing a fair and impartial criterion between the two parties. With the impression of the latter strong upon his mind, he should proceed to lay before the House the reasons which convinced his mind, that no regulation, short of an abolition of the trade, would be effectual; and that a regulation by any of those means which alone could be thought likely to have any effect, would prove infinitely more dangerous to the security of the planters, both in their persons and property, than the abolition itself. He should not make any effort to prove, that the application of

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any regulations to the original grievance on the coast of Africa was impossible, because this was so obvious, that he might almost take it as a concession of the opponents. For how was it possible to ascertain the justice of the captivity of each individual whom we forced away into bondage? Could we establish tribunals all along the coast, and in every ship, to inquire into the offences committed by each slave, and into the legality of the punishment? What judges could we find for such an office? But admitting, for the argument's sake, that we could invent such a tribunal as might ascertain the right of the seller to the persons of those who were enslaved on the coast, what expedient could we devise to bring evidence of the justice of the captivity, of by far the greater number, who were brought from great distances inland? The impossibility of such regulations was so clear, that he should not waste time in proving it. But before he passed to another part of the subject, he wished the House to pause, and recollect, that if it were indeed impossible to do away the evil of this part of the trade, how strong, how evident, how invincible ought to be the necessity pleaded for the continuance of what is irremediably unjust in its foundation! He should not dwell much upon the proof of the inefficacy of regulations as to the middle passage. His hon. friend had shown, that however the mortality might be abated in most of the ships, by the regulations of sir William Dolben's bill, yet wherever a contagious distemper happened to break out the greatest part of the cargo was swept away, and the average of deaths was by these instances still kept up to a shocking and enormous height. What he principally desired to inculcate, was the impossibility of applying regulations in the West Indies, without more danger to the persons and property of the planters, than would accrue by the abolition. This part of the argument he was particularly desirous to inforce, because he knew, that upon this, and upon the state of the population in the islands, the whole measure must rest with those to whom he must look for a majority; with the persons who admitted the injustice of the trade, but who feared the danger and impolicy of an abolition. His first position here would be, that no regulations could be rendered effectual to the protection of the slave in the West Indies, which did not admit the evidence of the negro in a court of justice. His second, that to admit the evidence of a negro in a court of justice, would be infinitely more dangerous to the persons and the property of the planters than the abolition of the trade. In the first place, he would wish gentlemen to consider what was to be done by regulation for the protection of the slave. Should it be enacted that the punishments be moderate? That the number of lashes be limited? The colonial legislatures had already done as much as the magic of words alone could do upon the subject. Yet the evidence upon the table uniformly tended to prove that in spite of this law, the only protection of the slaves depended upon the clemency of the master; because the whites being one or two in number on a plantation, the offence, however atrocious, existed not within the eye or reach of the law, though committed in the presence of a hundred slaves. Besides that, by splitting the offence, and inflicting the punishment at intervals, the law is evaded, although the fact be within the reach of evidence, by the accidental presence of a white man. Mr. Montagu here adverted to the evidence of captain Cook of the 89th regiment, and of chief justice Otley, as to this point; the former relating a shocking instance of reiterated punishment, in contempt of the law, within his own knowledge; the latter declaring, that "he can devise no method of bringing a master, so offending, to justice, while the evidence of the slave continues inadmissible." But let councils of protection, and guardians of the slaves be appointed to watch over their welfare, and to restrain the master! This, again, was a well-sounding expedient; but nugatory and absurd in practice. For what persons resident in the islands would be found, to whom they could intrust that important and troublesome office, with a hope of a faithful discharge of its duties? Who would risk the comfort of his life by the exercise of so invidious an interference? But granting that men of such exalted and active beneficence could be found in the islands, as to sacrifice all their time, and all the friendship of their equals and associates, for the good of the slaves, what could they effect? Suppose the hon. gentleman who brought forward the motion were deputed, an unwelcome, indeed, but in all probability a very vigilant guardian of the slaves, what protection would the law enable him to afford to the slave?

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Could he be present at all times, and at all places, at once? That would be a task too arduous even for his active philanthropy. Yet if that were not the case, the offence to be redressed by him would require to be proved to him; and the same difficulties of proof would stand in the way of the guardian, as of any other tribunal. He then proceeded to prove, that to admit the slaves to give evidence in their present state of civilization, would be dangerous to the safety of the planters; that to admit the slaves to any of the rights of citizens, where they so greatly out-numbered the whites, would be to make them in effect the masters. One gentleman had said the slaves might be admitted to give evidence, leaving it to the judges to give weight, according to their discretion, to the depositions. He confessed this appeared to him to be fraught with a most hazardous principle of discontent; for how were the negroes to be persuaded, that it was fit they should be admitted to speak the truth, and then be disbelieved and disregarded? What a fermentation must such a conduct naturally excite in men dismissed with injuries unredressed, though abundantly proved in their apprehension by their testimony? If then it was proved, that no regulations were likely to be effectual, and it had been admitted, that the evil called in an imperious manner for a remedy, there was no expedient left but an abolition. That an abolition of the trade would not only be effectual, but safe, and even beneficial to the planter, had been irrefragably proved by the calculations of the state of the population by a right hon. gentleman (Mr. Pitt) to which no answer had been even attempted to be given. And until such an attempt was made with success, he wished gentlemen would consider seriously how they could reconcile their conscience to justify and continue the most horrible cruelty and injustice, upon a political necessity, not maintained except by assertion, but refuted in the calculations, and abandoned in argument even by those whose authority they meant to follow in their decision. Mr. Montagu concluded with addressing himself to two descriptions of persons with what he admitted to be only an argument to their discretion, but with what appeared to him to be a very forcible consideration, and one which ought to influence their conduct. He wished the planters to consider the rapid progress which the opinion of the injustice of the trade was making throughout the nation at large, as manifested by the petitions, which had almost obstructed the proceedings of the House, by their perpetual introduction. They must begin to perceive, that it was no longer possible to stifle the business in the birth, and that offended justice would at length, with uplifted arm, break down all opposition. It was now, therefore, for them to save their credit, and to take care that the retribution to the injured Africans should not be made without their concurrence. The other description of persons whose attention he requested were such as had been led to ascribe the agitation of this question to the same spirit of abstract and impracticable equalization, which they dread to see applied to the destruction of order and good government in our invaluable constitution. If there were any persons with this apprehension, they would do well to consider whether they had not better be in haste to destroy that association, and by separating the real evil from the imaginary grievance, to destroy the credit which the latter may derive from being connected in opinion with the former. If they neglected to remedy a most abominable and crying abuse, against which every feeling of reason, religion, and even political wisdom, revolted with abhorrence, did they not play into the hands of those, who construed their dread of innovation on other occasions, into an obstinate resistance of truth, justice, and expediency? Mr. Montagu sat down, with repeating, that he would never cease to promote the abolition of the slave trade, with every faculty of body and mind, till the injuries of humanity were redressed, and the national character relieved from the deepest disgrace that was recorded in the annals of mankind.

Mr. *Whitbread* said, the arguments adduced to prove that the trade was either founded in justice or in policy, had so completely failed, that he could not hesitate a moment in the vote he was to give. Were it possible for him to conceive, as some of the advocates for the trade endeavoured to prove, that the negroes were rescued from death or torment in Africa; that they were transported in the most commodious manner to the happier climate of the West India islands; that there, instead of painful and extorted toil, they passed the day in healthful, easy labour, the evening in cheerful and

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innocent recreation, retired to rest with bodies unfatigued and hearts at ease, and rose alert and vigorous in the morning, to pursue the same course; were he to believe that in sickness they were attended with tenderness and care, and that their old age was worn out in peace and plenty—even then he should vote for the abolition; for no palliation could reconcile to his mind that which was fundamentally wrong. His objection to the trade was, that man was bought and sold; that he was forcibly torn from that country allotted to him by nature for his habitation and support; that man was consigned over to the despotism of man; and where man was delivered over to man, there must be tyranny on the one hand, and a deep sense of injury on the other. It was the quality of despotism to corrupt the heart, and without the aid of such corruption, many there must be among so great a number of despots by nature unfeeling and cruel.—But there was a fatality attending the arguments of those who defended the slave trade; so that in their very defence, they unavoidably let fall some expressions which were conclusive against themselves. Those who wished to represent the condition of the slaves in the fairest point of view, had convinced him of the existence of cruelties disgraceful to humanity. In an account of selling off the stock of a plantation, it was said, that the slaves fetched less than the common price, "because they were damaged." Damaged! How damaged? What was this but an admission that they were worn down by labour, sickness, or age; and that instead of receiving the indulgence their situation required, they were to be transferred from one task-master to another, the latter, perhaps, more inhuman than the former. It was said by the ingenious author of a pamphlet on the subject, in the course of describing the happy situation of the negroes in the West Indies, that a good negro needed no character, for that fetters would gall, and the whip make weals; and the slave who bore not the marks of either, had certainly never deserved the punishment. Then it must be true, that fetters and whips were the instruments of punishment, and that both were inflicted, till the effects of the galling of the one, and the weals of the other instrument of cruelty, became indelible; and that not from punishment inflicted after fair trial and conviction, but at the arbitrary, uncontrolled will of a master. An hon. gentleman who had declared himself to have been, at an early period of his life, a friend to the abolition of the slave trade, had gone to the West Indies to inform himself of their situation, and in consequence of what he had there seen, had changed his opinion, whose arguments throughout his speech had all tended to support the trade, but who had declared in his explanation that he would never himself be possessed of a slave, and would even lay down his life to procure the abolition of slavery, had said, notwithstanding his surprise at the goodness of their situation, "that the negroes were all poor." What was this but saying, they were a degraded and miserable race? He had also said, "put slavery and cruelty out of the question, and they were as well or better off than most European peasants." Slavery and cruelty! What but slavery and cruelty do the advocates for the abolition wish to put an end to?—that slavery and cruelty, the inevitable effect of which is to sink man below the dignity of his nature, till he seem at length hardly to belong to the same species. The hon. gentleman had said, that in general he had observed great resignation among them. What did resignation itself imply, but great foregone and present misery? What is it to be resigned, but to have got over the first extasy of despair? He had related a circumstance, of which he himself had been an eye-witness. The overseer upon one of his father's estates, in reprimanding the gang for not having done sufficient work, had used this argument: "What did your master buy you for, but to work?" and with this they seem perfectly convinced and contented. Good God! had wretches who were in a situation to bear such a question as this, appeared discontented, what could we suppose would have been the rejoinder to their remonstrances, but the whip? The petitions against the trade were said to have been obtained by collusion, and to be signed only by ignorant persons. He could answer for it, that the petition from his constituents was signed by persons as well informed as any among them. That they were so much alike, was no argument against their value; for they had but one plain tale to tell; and that they told it pretty nearly in the same way, was rather a test of truth than a proof of collusion. The supporters of the abolition had been charged with enthusiasm. He was as strenuous a supporter of that measure as

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the hon. gentleman who moved it, but he had never entertained, any more than that hon. gentleman, the doctrine invidiously imputed to him—an immediate emancipation of the slaves in the islands. The state of degradation to which we had reduced them, had rendered them unfit for the immediate enjoyment of so great a blessing; to attempt such a thing would be an act of insanity indeed; but he trusted that as soon as the abolition was determined upon, some gradual but efficacious means would be adopted, to do that which it was impossible to do at the moment. Was this a proof of fanaticism, or of cool and moderate proceeding in the course of justice and humanity? As to the commercial part of the question, whether the abolition of the slave trade would prejudice the commerce of this country? he was of opinion that it most indisputably would not. But he would not detain the House by going into the argument upon that subject. It had been so ably proved by the chancellor of the exchequer last year, and that proof had remained so entire and unshaken, that he should only weaken by attempting to add any thing to it. An hon. gentleman who spoke early in the debate, had hinted something about the union of two great orators upon this occasion, and had attributed that union to the eloquence of the hon. mover of the question. He certainly had paid too great a compliment to the eloquence of that hon. gentleman. Not his persuasion and ability, but the force of truth, had convinced and united them; and having formed his opinion upon the subject, if he could wish for any adventitious circumstance to corroborate that opinion, it should be that two men, eminent above their fellow-citizens in ability, disagreeing upon the generality of important subjects, had, upon this, zealously co-operated and joined the whole force and splendor of their talents. He disclaimed all exultation in the calamities of St. Domingo. If there were any persons who felt such exultation, let them be pointed out, in order to be driven from the society of those who supported better principles on better grounds. But he denied that these calamities were owing to the debates on the slave trade. They were owing to the trade itself. There was a point of endurance, beyond which human nature could not go, and the mind rose by its native elasticity, with a violence proportioned to the degree to which it had been depressed. Whence did the negroes in St. Domingo learn the cruelties they had practised? Whence, but from those on whom they had practised them? Had not Africans organs, dimensions, senses, affections, passions? were they not hurt by the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same summer and winter, as Europeans were? If you pricked them, did they not bleed? if you tickled them did they not laugh? and if you wronged them, would they not revenge? If they were like you in the rest, they would resemble you in this also. The cruelty you had taught them, they would practise. He feared it was beyond human ingenuity to better the instruction.

Mr. *Milbank* said, that with regard to the abolition of the slave trade, the policy of the measure was as great as its justice was undeniable. Where slavery prevailed, every operation that was performed, was done in a rude and unworkmanlike manner, and no substitute for manual labour, no artificial means of expediting work, alleviating its trouble, and shortening the time of finishing it, were introduced, or even thought of. Where slavery existed, there must be oppression, and in his opinion the planters were bound to thank those who had warned them of the more than probable dangers that would one day ensue from the resentment of their slaves, against those whom they could not but regard with an inimical eye, and consider as their tyrants. He should certainly vote for the motion.

Mr. *Dundas* said, that when the question was agitated in the House last year, he happened to be prevented by indisposition from giving any vote or public opinion upon it. His hon. friends, however, with whom he might be supposed to have the most intercourse, had very well known that he had long entertained the same opinion with regard to the abolition of the slave trade, though he had differed from them as to the mode of effecting it. He had felt equally warm with themselves in the pursuit of the general object, and he felt so at that moment; but it was right to see how far it might be proper for him to give his assent to the particular proposition made by his hon. friend. One set of gentlemen, the hon. mover and his supporters, had spoken, without reserve, not only for the abolition of the slave trade, but for an immediate and precipitate abo-

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lition: those on the other side had unequivocally argued for the continuance of the African slave trade, as essentially necessary to the West-India islands; they had set no limits to the continuance of that trade, but laid it down as a proposition, that in order to maintain our commerce with the West-Indies, the importation of new slaves from Africa must be continued for ever. With respect to the material parts of his argument, he agreed with the hon. mover. He thought, with him, that the African trade was not founded in policy; that the continuance of it was not essential to the preservation and continuance of our trade with the West-India islands; that there was no mortality in that quarter that was incurable, and that the human race might not only be maintained, but increased, in the West-India islands. In all these great leading questions he concurred with his honourable friend. It might then be asked, Do you not agree to the abolition of the trade? He answered, that neither did he differ with him in that opinion. But he could not help doubting as to the prudence or practicability of the mode of abolishing it, proposed by his hon. friend. When he talked of direct abolition, he would submit to him, whether he did not run counter to the prejudices and habits of life of those men who are most deeply interested in the question; prejudices of men interested in the trade, it was true; but surely, if it was possible to effect the same object, without raising any extraordinary apprehensions on their part, with respect to their great and important interests, it was more prudent to take that mode, and so to form the proposition, as to relieve their minds from any apprehension of injury. Was his hon. friend also perfectly sure, that in his zeal for one great object, he did not run counter to another equally important? he meant the sacred attention parliament had ever shown to the interests of individuals: whatever idea men might then have of the African trade, certain it was, that those who had embarked their capitals in the cultivation of the West-India islands, and lent their money upon West-India property, had done it not only under the sanction, but the solemn invitation of parliament. Parliament, undoubtedly, might think it right to depart from any principle it had adopted, again and again, as it appeared by their statute books it had often done; it might be wisdom to do so; but sure he was, it was their duty to recollect, in carrying their plans into execution, under what circumstances the property had been employed, and whether they had invited the individuals to embark in it. He meant not to urge an argument which had been reprobated again and again in the course of the debate, that if they gave up the trade, other nations would not give it up. Their duty did not depend upon the conduct of others. But in case other nations took up the trade, might they not defeat the object of his hon. friend? Might not British subjects in the West-Indies be supplied by vessels from Eustatia, or some other neutral port? What was to prevent an Ostend or Dutch merchant from carrying slaves from Africa to the West-India islands? Gentlemen might make light of that argument, if they pleased; but he should be glad to hear an answer to it. He stated it in this view, and on this ground only. In his opinion, there was a possibility of avoiding those objections, and at the same time of not running directly contrary to the prejudices he had mentioned as existing in the minds of the West-India merchants. It was in the shape of regulations only that they could totally abolish the African slave trade; and not less speedily, nay, even more speedily, than in the manner which had been proposed. He did not mean to say, let the trade continue for ever? In his main principle he agreed with the hon. gentleman; but he repeated, it was in the shape of regulations that he thought they might procure the abolition in the most direct manner. [Mr. Fox asked Mr. Dundas to what regulations he referred]? Mr. Dundas said, first to regulations the most forcible and efficacious, in order to promote the increase and encouragement of the breed of native negroes in the West-Indies. Secondly, to every species of general regulation, with a view of putting an end to hereditary slavery, and relieving the condition of the slaves. He alluded also to regulations for the education of children: a point that must greatly facilitate the total annihilation of the slavery of these children. Without such regulations as those, the abolition of the African trade would fail, in his opinion, of procuring the effects expected from it.—Those who contended that the cultivation of the islands could not be continued without a continuance of the slave trade, he begged to reflect on the gradual means he proposed. His ob-

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ject was gradually and experimentally to prove the practicability of the abolition of the trade, and to provide the means of cultivation, to increase the population, and to evince that all the alarms which were now entertained of danger from the measure were ill-founded. The arguments of his hon. friend and the gentlemen opposite, great as their talents were, he contended, were only founded on theory. In mentioning the abolition of hereditary slavery in the islands, he did not mean, that the son of an African slave should procure his freedom by the death of the parent; but that being born free, he should be educated at the expense of the person importing his parents, and when arrived at such a degree of strength as might qualify him for labour, he should work for five or ten years, or whatever period it might be, to defray the expense of his education and maintenance. It was impossible to emancipate the present slaves at once; nor would their immediate emancipation be of any immediate benefit to themselves; but that observation did not apply to their descendants, if trained and educated in the manner he had suggested. If he gave his assent to the motion, it was an assent that led to nothing but a general proposition, the mode of carrying which into effect might be settled hereafter. He did not adopt any one extreme in the question.—Mr. Dundas begged the indulgence of the House while he addressed himself to those who had maintained that it was absolutely necessary for the cultivation of the West-India islands to keep up an importation of African slaves as usual. He entreated them to give a serious consideration to that point. He apprehended they could not think he assumed too much, when he said, that if both slavery and the slave trade could be abolished with safety to their property, it deeply concerned their interest that the cultivation of their islands should be carried on by freemen rather than by slaves. This general proposition, he took it for granted, nobody would controvert. He need not illustrate the proposition; but requested the committee to look to the whole of the evidence before them on the state of those very slaves. That they were ill-used he did not mean to lay to the charge of the West-India planters; individuals indeed not possessed of humanity might treat the slaves ill. The hon. member who first spoke that night, had informed them, that the planters were in general disposed to pay much regard to their slaves, and that from conscience, as well as from a principle of interest. He believed that many respectable owners in the West-Indies took great care of their negroes. But would not the same principle teach them how unseemly the cultivation by slaves was, if it were possible to be effected by freemen? There would be some inconsistency in the conduct of parliament, if they should take measures for the abolition of the trade, without at the same time taking that under consideration also. God forbid that he should limit the philanthropy of his honourable friends, or that he should entertain the smallest wish to insult the degraded shores of Africa! It was something anomalous that the people of this country, who were themselves free, should carry on a slave trade with Africa; and it was something anomalous also that they who enjoyed the full benefits of freedom, should ever think of introducing cultivation in the West-Indies by slaves and not by freemen. Mr. Dundas appealed to all who were informed on the subject, and referred to Mr. Long in his History of Jamaica, in support of his argument, that the evils which are complained of in the West-Indies, arise entirely from the newly imported slaves; and when it was said that the negroes imported were those who were condemned for crimes committed in their own country, he begged to ask, whether the West-Indians chose to depend on fresh supplies of those men for the cultivation of their lands, and the security of the islands, when it was also found that every insurrection had arisen from those very persons? The safety of the West-India islands, he contended, was concerned in the question. There would be danger of fresh struggles so long as an abolition of the trade was refused; they were by those importations bringing upon the West-India islands the engines of their own destruction. He called upon the gentlemen to give a serious consideration to the question, to consider whether they would not act more judiciously, and for their own interest, if they concurred in the opinion of putting an end to the trade, instead of standing up for the system of perpetual importations. What right had they to suppose, that the coast of Africa was for ever to remain in its present state of barbarity? If once a prince of an enlightened character should rise up in that

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hemisphere, his first act would be to make the means of carrying off all slaves from thence impracticable. What reasons had they to suppose the light of heaven would never descend upon the continent of Africa? From that moment there must be an end of the African trade. The first system of improvement, the first idea of happiness that would arise in that continent, would bring with it the downfall of the African trade, and that in a more effectual way than if done by regulations of this country.—He did not allude to the petitions in one way or other. Perhaps the question did not require much additional force from them. Many of them might be produced by anxious solicitations, and emissaries sent about for the purpose; and many of those who signed them had not perhaps been much versed in the nature of the question, and had not reflected whether the trade should be abolished gradually or immediately. The idea of the impolicy of the African slave trade had long been entertained by the most enlightened understandings of this country, as well as the idea of its injustice. It had made a deep impression on the minds of enlightened men in this country, that the trade was obnoxious to a thousand perils and dangers. If that was the case, was it a prudent thing to rest on that trade for the farther improvement and cultivation of their property? He really spoke with a view to their own interest. He had so often seen imaginary apprehensions entertained on such subjects, that he was satisfied in a few years they would set this question at rest, and that the West-India proprietors themselves would become of his opinion. There was a species of slavery prevailing only a few years ago in some of the boroughs in Scotland. Every child that carried a coal from the pit, was the bound slave of that borough, and that emancipation was thought by parliament to be material, and very much agitated in the House. It was urged, that let every man's genius be what it might, yet in those pits (the work, from its nature, being carried on under ground) it was quite an excepted case, and without this principle of slavery, the collieries could not be worked; that the price of coals would be raised to a most immoderate height, and all the neighbouring manufactories which depended on them would essentially suffer in their interests. After several years struggle, the bill was carried through both Houses. He was old enough to remember the dispute; within a year after, the whole idea of the collieries being hurt by the abolition of that sort of slavery, vanished in smoke, and there was an end of the business. An hon. gentleman had also told them, what formed another argument to the same point, that the regulation of the Middle Passage had had a salutary effect. The present alarms, he observed, were not more lively than those which were expressed when that bill took place. The ruin of the Liverpool and Bristol trade was foretold. Yet now one of the representatives had come forward, and plainly said, "Our alarms were ill-founded, our apprehensions were without ground; we found fault with all your regulations, we ascribed every mischief to them, whereas we find by experience that they have been attended with every benefit." Was he, then, asking too much, when he asked for a candid consideration of the real grounds of the present apprehension? Perhaps the West Indians might find, that the best thing they could do, would be to close in with his proposition, and that they would not act wisely and prudently for themselves, in maintaining the continuance of the trade with Africa, as at all times necessary for the preservation, improvement, and cultivation of the West-India islands. He was far from flattering himself that any thing he had said could at once eradicate prejudices that were deeply rooted, and bring over men to a set of altogether new ideas; but he meant to propose a moderate and a middle way of proceeding. If, therefore, there was any great body in that House, any respectable number of persons, who were of opinion with him, that the trade ought to be ultimately abolished, but by moderate measures, which should not invade the property of individuals, nor shock too suddenly the prejudices of our West-India islands, he wished them to connect themselves together, and he would venture to say, that gentlemen of that moderate or middle way of thinking, might then reduce the question to its proper bounds, and maintain the principles of abolishing the slave trade in consistency with their other principles.

Mr. *Addington* (the Speaker) said, that professing himself to be one of those moderate men alluded to by the right hon. gentleman who spoke last, he could not forbear giving way to the impression made upon him by his forcible manner of

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stating the argument, which had relieved him from the utmost anxiety. Conceiving the question to be deserving of the most serious investigation, and deeply considering the importance of its object, he had long felt such a mode of treating it as being much to be desired, because he thought that it would facilitate the attainment of that end, which he was confident every one wished to be attained with as little injury as possible to private property. The fear of injuring private property had hitherto restrained him from expressing his opinion against a system, which he could not prevail on himself to permit or countenance. The slave trade he abhorred; but he did not conceive the specific manner offered to the House last year efficacious, and had therefore not adopted his hon. friend's mode of abolishing the trade. His aversion to the infamous system was the result of those solid principles so eloquently and forcibly stated by his hon. friend, and did not arise merely from an inspection of the evidence on the table. He remembered, on its being imputed to a noble and learned lord, some years since retired from the bench, when at an early period of his life, he was employed against the rebel lords, that he had not used language sufficiently strong towards them in proportion to their crime; the noble and learned lord had well answered "that he pitied the loyalty of that man, who imagined, that any epithet could aggravate the crime of treason:" he in like manner begged leave to declare, that he knew of no language that could add to the horrors of the slave trade. It was equal to every purpose of crimination, to assert, as the hon. gentleman opposite to him had most eloquently done, that thereby one individual was made subject to the despotism of another, that man was to be bought and sold. On every discussion of the subject, he had felt a great difficulty. On one hand, it was impossible not to condemn the trade, and to consider the rights of justice due to the multitude whom it rendered miserable; and, on the other hand, it was to be remembered, that there was a description of persons, who had likewise strong claims on the justice of parliament. The question, in his mind, was not so much, whether it would be carried on by this or that foreign country; but whether this nation should continue it under circumstances so very offensive as the present. The number of Africans at present in the islands, he thought insufficient for maintaining the stock, and therefore he did not approve of the idea of there being no more importations whatever. It had been forcibly argued, by his hon. friend who opened the debate, that according to the disproportion of sexes which had appeared, the supply of negroes in future must be continually increasing, and that in a very few years, every difficulty would be entirely surmounted. If that were conclusive with respect to Jamaica, it did not, Mr. Addington, thought, apply to the other islands; nor did it appear to him that the circumstance stated by his hon. friend, was to be depended upon for furnishing so effectual an increase of population, as a plan for providing the islands with a sufficient additional number of females. The total disregard of religion and morality, that characterised the negroes at present, if corrected by properly regulating their manners, would infallibly tend to decrease the fears of those under whose protection they were and unite all more closely as members of the same society. Till that was done, importations appeared to him to be necessary. He had despaired of these considerations being attended to by gentlemen of sufficient weight, or with the authority of official information, who would digest and bring them forward. Except with respect to the granting liberty to the children born on the islands, he did not conceive that the right hon. gentleman's plan could be considerably amended. The trade, Mr. Addington thought, ought to exist a few years longer, perhaps for a period of eight or ten, or twelve years, under such regulations as should satisfy the minds of those who contended for an immediate abolition, inasmuch as they should be favourable to the immediate interests of the negroes, and to their future happiness. One regulation especially he should propose, and that would be, to subject the males to a heavier duty than the females, and by that means occasion a greater importation of the latter; a measure that would tend to increase their numbers to a degree that would soon render the number of the sexes equal. Another mode would be, that of granting land or money to those who should rear a certain number of children, and giving premiums to those who should introduce machines of husbandry. Intimate and unreserved as was the commu-

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nication he enjoyed with his right hon. friend, the subject of debate never having been the topic of their conversation, he was ignorant of the extent of his ideas relating to it; yet he was persuaded his right hon. friend would not have offered his observations to the committee, without meaning soon to submit to their consideration some specific motion of substantial reform, and ultimate abolition. He could not, however, but recollect the ground on which his hon. friend had argued the question, which he had moved. He had invariably wished for the accomplishment of the same object with him, though he trusted that his hon. friend's mode would not be adopted: he meant that of an immediate abolition of the slave trade, as it was called, though it certainly did not merit that name. Prudent regulations, by which it would very soon be destroyed, would not only be productive of great benefits to this country, but would indisputably be a blessing to the West-India islands; and he was sure that they were as anxious to obtain the object, as the committee could be, provided no material injury were done to their essential interests. He had little more to offer to the committee, and had it not been for the circumstance of his right hon. friend who spoke last, having brought forward a proposition which so completely coincided with his own ideas on the subject, he should not have thought it necessary to have delivered any opinion in the debate. With respect to his hon. friend who introduced the business, he trusted that he would not regard any thing he had said as addressed personally to himself; but as his hon. friend had fully explained his intention to be an immediate abolition, though his motion did not, perhaps, express it, he could not but think, that it would be dealing more fairly with the committee to have inserted that idea in explicit terms. Being aware of his intention, he could not support the motion; but he consoled himself with the hope, that a measure would very speedily be brought forward, which he should be able to vote for most cordially.

Mr. *Fox* declared, that, although what had been said by one right hon. gentleman must carry with it more weight than any thing he could offer on the subject, yet he had heard it with infinite uneasiness instead of any satisfaction, and he could not but observe, that he had never felt a more severe, nay, he might say, a more efficacious resistance to his hon. friend's motion. Without questioning the sincerity of the right hon. gentleman, something had been said so much more mischievous, and something so much more like a foundation had been laid, not only for permitting for years to come, but suffering that detestable traffic to continue perhaps for ever, that he could not but plainly state the grounds upon which he acted in a business so truly important. He deprecated, in strong terms, every deception and delusion upon the country; and he conceived that to be delusive and deceptive, though perhaps not meant to be so, which prevented the committee from seeing the business in its true light: from seeing what alone was and must be the question—whether that execrable traffic, the slave trade, was fit to be continued, or ought to be abolished? The two right hon. gentlemen who spoke last called themselves "moderate men;" but he neither felt nor wished to feel any thing like moderation upon this subject. He considered the idea of continuing the slave trade as nothing else than an idea of continuing the encouragement of the crimes of robbery and murder, and those under circumstances of perpetration the most flagitious and atrocious. The mention of moderation in the case before them, reminded him of a passage in Middleton's Life of Cicero; the translation, though deficient, was equally applicable to his present purpose; the passage was, "to break open a man's house and kill him, his wife and family in the night, is certainly a most heinous crime, and deserving of death, but even this may be done with moderation." If any idea could be more absurd than that which he had just mentioned, it was that of the slave trade being carried on in moderation. If to break into a single house, and rob and murder a single man, could not be done in moderation, with what moderation could a whole country be pillaged and destroyed? He never could consider the question as one of simple justice: it was, he said, only whether they should authorize by law, respecting Africa, the commission of crimes, for which in this country they would be liable to incur the severest penalties, and even to forfeit their lives in the most ignominious manner? Bad as was the proposition, he should have liked it better had it been more specific. Mr. Fox noticed the terms in which the trade had been reprehended by

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the two last right hon. gentlemen who had spoken, and asked, where was the proof that they would ever vote for the abolition of it? He challenged them to produce arguments in support of the traffic, if any could be urged in support of a traffic so execrable, and to show how a law could be tolerated, which was diametrically opposite to all law whatever? For his part, he was equally an enemy to all their regulations—regulations as disgraceful as they would be important! The right hon. gentleman who led the way in this new plan of moderation, proposed that hereditary slavery should be abolished. But the mode was curious: the child was to be free born instructed in the principles of freedom, for he was to be instructed in the duties of religion, which inculcated a rational freedom, and when these principles might be supposed to have taken root, he was to pay for those principles by becoming a slave. Such were the charms of liberty, that the very idea of attaining it one day or other sweetened the nauseous draught of slavery. But that a person should purchase slavery at the expence of freedom, was inverting the order of things indeed!

The other right hon. gentleman (the Speaker) proposed, that a premium should be allowed for the transportation of females. Was the kidnapper to be encouraged to lay the snare for the unsuspecting maid, to snatch her from the arms of her lover, or her parents, or to transfer the mother from the embraces of her spouse to the arms of him between whom there could be no attachment, but that sympathy which arose from captivity? He should like to see the clause by which this inhuman measure was to be presented to the parliament of England. He should like to see the man with a mind capable of conceiving words to frame such a clause. Was there a gentleman in the House bold enough to support it? For the honour of parliament, he hoped that there was no such man. When he considered, that the present was not a question of moderation, but of justice, he expressed his surprise that gentlemen should entertain the smallest hesitation. The right hon. the Speaker had, very laudably, reprobated the trade with the utmost abhorrence; but had, nevertheless, refused to support the original motion. Did the vote to which they were called pledge them to any particular system of abolition? No. Then why not pass the resolution now, and object to and amend any future motion?

Mr. Fox exposed in the same masterly way the regulations of Mr. Dundas, who wished to begin by emancipation, instead of abolishing the trade: who called a mere regulation of trade an invasion of property; and who himself proposed the very extinction of that property in the first instance. One hon. gentleman—the only one who had acted with fairness on that side—had declared, that he resisted those who condemned the trade, and that he thought that it ought to go on. In fact, those who had spoken most directly against the abolition, had conceded in substance, though not perhaps in words, as much as those who were for gradually abolishing the trade. One hon. gentleman had declared it to be his intention gradually to abolish it, by meliorating the state of the negroes, and thus rendering it unnecessary. The hon. mover of the business, however, had said, with much more wisdom and practicability, "I will gradually produce the abolition of slavery, by immediately abolishing the trade. I will continue to promote my plan, till the object shall be accomplished." With respect to infringement of private property, they surely might prohibit the commission of crimes without thereby being chargeable with taking away the property of the West Indians, which certainly it was not their intention to do. He condemned and ridiculed the idea of the children of slaves being born free, and then serving ten or fifteen years to requite their masters for the expence of their education, and after that becoming free in fact. Could any man imagine, that a person was better qualified to enjoy freedom after a servitude of so long a period, than if he had continued free from his birth?

"Oh! but," say the advocates for continuing the trade, "we do not mean to urge the question chiefly on these grounds. We talk of the impolicy of renouncing the measure, when it will immediately be adopted by some other European power." With respect to the probability of other nations supplying the islands with slaves, clear he was, that it had better be by any nation than by this. He would rather that the colonies should be supplied by all the nations in Europe, than that the British name should be sullied by such abominable practices. It was begun to be seen, Mr. Fox observed, that the trade was inconsistent with justice. An hon.

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gentleman, who had spoken early in the debate, had acknowledged that many enormities subsisted, and were proved by the evidence; but he had asked, would it be fair to take the character of this country from the records of the Old Bailey? He was not at all surprised that when the subject was mentioned, the Old Bailey should recur to the hon. gentleman's recollection. The hon. gentleman had, however, forgot the essential difference between the two cases: when they learned from the Old Bailey records that crimes had been committed in this country, they at the same time learned that they were punished with transportation and death: when they heard of crimes committed in the slave trade, they found them passed over with impunity, or even the objects of reward. There had been an accusation urged against the committee which sat in the Old Jewry, for having distributed copies of the evidence. He had the honour to be one of that committee, though perhaps, from some other avocations, not a very constant attendant, and his advice had ever been to distribute them as largely as could be done; for he heartily wished that there should not be a man in the nation, who could read, but should see the evidence before the House, since he was sure that it would produce on the country that effect which he trusted it would ultimately have on the House of Commons, and ensure the immediate abolition of the trade. It had by some been objected, that part of the evidence was given by poor people. He knew not that poverty and veracity were incompatible. At least, the evidence of the poor was as good as that of the correspondents whose letters had been read by the hon. colonel, who had acknowledged that he did not know who his correspondents were. He noticed the mention made of lords Rodney and Macartney, admirals Edwards and Arbuthnot, &c. who, he observed, had spoken of the West Indies only, and could have no other knowledge of the slave trade than that which might be obtained from a perusal of the evidence. All that they had said had been merely negative, whereas the evidence of the other persons, less affluent, perhaps, and less dignified, was positive and uncontradicted. As to the mode of procuring slaves, even the hon. colonel had not said that there was any thing like fairness in it; in his mind, the least disreputable way of accounting for the supply would be to represent them as having been legally convicted of crimes. If, however, the number should prove it to be impossible that they all could have been convicted of crimes, that pretence must fall to the ground. The whole number, he stated to be above 80,000 annually. Could such a number be supposed to be convicts? And even were that the case, it could not but be considered as rather condescending in this country, and rather new also, to take on itself the task of transporting convicts from other parts of the world, and those parts barbarous! Were France or Spain to proffer such an office to this country, they would scarcely know what terms were adequate to express their sense of the insult; but from the petty states of Africa, they accepted it with satisfaction and pleasure. As for the specific crimes for which the negroes were convicted, of witchcraft especially, they entertained so sacred a horror, that being unable to find objects at home, they made, as it were, a crusade to Africa, to express their indignation at the sin. With respect to adultery, to be sure, they did not go to Africa, because the crime was not to be met with in this country: their aversion, however, to that crime was such, that though it might be thought somewhat severe, lest it should escape punishment, they degraded themselver into executioners—of so despicable a nature must be the best possible defence of which that execrable traffic would admit!

Last session, we were cajoled, and taught to believe that something would be early brought forward. Had we not passed a year, and nothing had been done? Were we to be still deluded and betrayed? All our promises were vanished into smoke and air, and the Africans continued to be oppressed, plundered, and murdered. It was exceedingly hard, that because we suffered our credulity to be imposed on last session, we should this day be insulted by a similar mode of subterfuge. Why was not the system of moderation proposed then? Why were we not entertained by the proposition for a gradual abolition? He feared that, had not the question been renewed, this measure of gradual abolition would never have been mentioned.

Mr. Fox then proceeded to a statement of facts. In one part of the evidence, they found that a well-known black trader brought a girl to a slave ship for sale; some persons afterwards went on board;

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and discovered the girl; they learned who the trader was that sold her, and went and carried him to the ship, and sold him for a slave. "What!" said the trader, "do you buy me, grand trader?" "Yes," replied the captain, "I will buy you or any one else; if they will sell you, I will purchase you." On the first view of this fact, it appeared to be a piece of most barefaced villany; but on examining the subject, it would be seen that what had happened in that case was, and ever must be, the common and ordinary conduct that resulted from the very nature of the trade. How could the captain know or decide who was the real owner of the girl? He had given the same answer in that case as he must give in every instance, namely, "I cannot know who has a right to sell; it is no affair of mine; I cannot enter into these controversies. If any man offers me a slave, my rule is to buy him, and ask no questions." That such was the method of carrying on that execrable traffic, and that perpetual wars were created for the purpose of supplying the European slave trade, were indisputable facts; and he challenged any man to controvert them.

He then called the attention of the committee to what had happened in the river Cameroon. That affair, he said, came out upon an action tried in the court of Common pleas, on the 1st of March last, before lord chief justice Loughborough. It was brought by one Macdowal against Gregson and Co. for wages due to the plaintiff. The facts were directly in issue, so that the committee, by a strange fortuity of events, had a judicial proof of the whole transaction; containing, among others, the following important circumstances:—A chieftain, of the name of Quarmo, who meant to execute his revenge upon the slave captain for the savage violence that he had before committed, went to him, and said, "I want to go up the country to make trade, you will help me by giving me some arms and gunpowder." The proposal was directly agreed to. Had the chief meant to deceive the captain, when he made this proposition, he would have used some sort of art, and not have offered a proposition so extraordinary that it would alarm the captain's suspicions. He would have mentioned some reason for his proposition that was common and natural; his plea, therefore, of borrowing arms to make trade (that is war for trade) was the natural plea, and therefore succeeded. It was so usual, that the captain immediately consented, as it were, through habit, to grant his requisition, which he himself declared, he had often granted before, and through the success of this fraud his destruction was accomplished! In short, he again and again called on any man to show how the trade could be carried on but by such means as those, for which, if a man were to practise them in this country, he would be punished with death? The advocates for the abolition of that abominable trade, were accused of enthusiasm. Were they, he asked, enthusiasts, or fanatics, because they cried, "do not rob—abstain from murder!" If by the term enthusiasm was meant zeal and warmth, he was free to acknowledge that he was an enthusiast, and his enthusiasm was that zeal and warmth which arose from a sense of justice, and was of that kind which made men act with energy in a noble cause; it was a zeal and warmth which he trusted he should always possess, and without which nothing great and praiseworthy had ever been effected since the creation of the world. In such energy they prided themselves, and gloried. He could not admit of any compromise on the subject; for *there* could be no compromise between guilt and injustice.

Mr. Fox vindicated Mr. Wilberforce from the charge of unfairness in not having expressly stated the full extent of his meaning, and said, that though his words had not pointed out immediate abolition, he had openly avowed that to be his intention, and the motion itself was unobjectionable, inasmuch as he had assured them, that when he should bring in his bill, he should leave it liable to amendment, though it was reasonable to suppose, that the hon. gentleman would be disposed to fill up the blanks in the manner correspondent to his own ideas. The question then, Mr. Fox said, was only, whether the House were ready to declare, that the slave trade should be abolished at some period or other! some might be for six years, some for twelve, and others for six months; but all who were for the abolition at all, ought certainly to vote for the motion. When the bill came into the committee, any gentleman might move for a short period; for his part, he thought it ought to be immediately. Some might think of two, three, six, ten, or twenty years; in his mind, it might as well be a

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thousand. Those who were against the immediate abolition, he remarked, seemed to incline to give weight to the majority of last year; whereas by the means he proposed, they would put an end to that majority. He had hoped, that they would have done something even in the smallest degree towards obtaining the object; but those hopes had entirely failed. An hon. gentleman had said, that they would soon find the trade abolished: he believed so too. Petitions had been presented to the House, whose prayer could not be resisted, and the public, who had been enlightened by the evidence, and by the publications of the society in the Old Jewry, had shown a solicitude and zeal on the subject, which could not fail of accomplishing its object. He was old enough to recollect supporting petitions on a variety of occasions, and knew not on what principle they could be spoken of slightingly, unless where actual evidence could be brought of improper practices, such as forged names, or of men having been led by fraudulent means to sign them. Of this he was certain, that the table was never loaded with petitions, but where the people of England felt an actual grievance, and where the House ought to feel itself bound to give a remedy.

One hon. gentleman had said, he had letters to show, that some of the petitions contained false names. How did he know, but that the letters themselves were false? It was absurd to suppose, that such a number of petitions from all parts of the kingdom could have been fabricated: if they were, why had they not as many fabricated for the preservation of the trade? So they might, the hon. gentlemen had said; but the people on their side of the question would not condescend to use such means. If any slave traders, or captains, could have been found base enough to sign false names to petitions, or to ask others to sign them on false representations, they might, the hon. gentleman had said, have had their table covered with petitions on their side of the question; but the reason that they had none of their petitions was, that detection would have been easy. It must be equally easy to detect any forgeries that might be committed on the side of the question on which he spoke. Gentlemen had said that there was no necessity to adopt violent measures on the occasion, for that the slave trade would soon arrive at a natural period by the civilization of Africans. It was, he contended, impossible. As long as that accursed traffic continued, there could be no civilization. That was, Mr. Fox said, the very refinement of cruelty. They created every kind of immorality, and rendered the people savages, and then said, those men were so savage, that it was bettering their condition to transport them as slaves to the West Indies.

Mr. Fox mentioned St. Domingo and its late disastrous situation. The recent unfortunate occurrences there arose from the oppression of their masters having rendered the slaves cruel and ferocious; and he warned the committee of the danger of similar events happening in our islands, unless the slave trade were abolished. He took notice of Mr. Long's History of Jamaica, in which that gentleman expresses the propriety of prohibiting the farther importation of negroes, inasmuch as almost all the mischiefs committed in the islands were committed by the new slaves. The abolition of the slave trade, by rendering the masters more kind in their treatment, would not only do away apprehensions of insurrection, but have a farther good effect on even our own islands; and when that happy change should have arrived, they would, he observed, be able to depend on the Creole blacks for the defence of their country, as much as on the whites themselves. He might be asked, why are you so tender of the negroes in the West Indies, and so regardless of their African brethren? He did not ask for any tenderness to the people of Africa. He only begged them not to rob and murder them, to gratify their avarice. There was an argument which had not been used at all, but which was the foundation of the whole business; he meant the difference of colour. Suppose, said Mr. Fox, a Bristol ship were to go to any part of France, where the utmost fury of civil war was reported to prevail, and the democrats were to sell the aristocrats, or *vice versa*, to be carried to Jamaica, or any other island in the West Indies, to be sold for slaves: such a transaction, he imagined, would strike every man with horror—and why? Because they were of our colour. On that point he would quote no less an author than Aristotle, who deep as were his researches in general, and acute as were his observations, yet in regard to that matter says, "The barbarians (many of whom were of the same colour) are of a different

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race of mankind, and born to be the slaves of the Greeks!" Were the present race of man more wise than Aristotle? He believed not. Could any justification have been offered for such a practice, that genius, he thought, would have been the first to discover it. Aristotle saw domestic tyranny exercised in an extreme degree in a state, where political tyranny would not have been endured, and being unable to account for it on any principle of reason, but seeing that such was the practice, and a practice too universal to be successfully opposed, he therefore endeavoured to persuade his countrymen, that as the barbarians had been conquered by them, they were of an inferior species, and destined to be the slaves of the Greeks. Such a custom could not be now tolerated; and as to the pretext, that what would be great cruelty to us, who profess strong feelings and cultivated minds, would be not injurious to those who were ignorant and uncivilized, it was the height of arrogance, and the foundation of endless tyranny.

Mr. Fox noticed the mention that had been made of the transportation of convicts to Botany Bay, and said, that the hardships of the passage would appear less extraordinary, when it was known that the transportation was undertaken by slave merchants and slave captains, and that a part of the misery of the convicts was the effect of slave-fetters being used instead of those employed in general for convicts. The matter, he trusted, would be taken up seriously by government, and properly examined into. To prove that wars were made solely for the purpose of obtaining slaves, he related a story, which he said, he had read long before any question was agitated. It was that of an African, who had been educated in the Mahometan religion, and taught both to read and write. He was a man of letters, and of the first rank; but was taken in one of those wars, and sent on board an English trader, by which he was conveyed to Maryland, and fortunately sold to a humane master, who transmitted his case to England, where it was taken into consideration, and he was in consequence redeemed and sent home to Africa. Had this man, with all his learning, and other advantages, fallen into the hands of a common master, he might have worn out his life in that Egyptian bondage which put an end to thousands. Upon the whole, he should give his opinion of the traffic in a very few words. He believed it to be impolitic; he knew it to be inhuman; he was certain it was unjust. He thought it so inhuman, that if the plantations could not be cultivated without it, upon the principles of justice and humanity, they ought not to be cultivated at all. Were the objects even brute animals, no man would expose them to be treated with such wanton cruelty. If the objects of the traffic were wholly inanimate, no honest man would engage in a trade founded on principles of injustice. Upon these grounds, therefore, he stated there was a necessity for putting an immediate end to it.

Mr. *Dundas* rose to explain, but chiefly to bring his proposition to a point, by moving to insert the word "gradually" in the question, by way of amendment; which he moved accordingly.

Mr. *Jenkinson* said, he felt a considerable degree of regret in differing from those with whom he was in the habit of acting; but he should think he was acting inconsistently with that duty which he owed his constituents, and the country, if, after having formed a decided opinion on so great and important a question as that which was then before the House, any motives whatever should prevent him from delivering that opinion, and from supporting it with such arguments as might appear to him decisive on the subject. In rising to oppose the propositions that had been made, he felt that he laboured under every possible difficulty. He rose, not only to oppose a measure, generally believed to be popular, but which was supported by a greater combination of abilities than was ever united on any one subject, on which a difference of opinion could reasonably exist. Feeling, as he did, his own inability to contend with the right hon. gentleman who had spoken last, all that he could do was, to call the attention of the House, as briefly as possible, to what he conceived to be the real state of the question; and he hoped that the committee would be influenced in their decision, rather by the weight of argument, than by any ingenuity or eloquence with which it might be supported.

He proceeded to observe, that the opinions of those who were adverse to the abolition, had in general been unfairly stated. It had been circulated that their opinion was founded on principles of policy, as opposed to principles of humanity: on no such ground was he disposed to resist the abolition. If it could be

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clearly made out that the interests of humanity were decidedly in favour of the proposition, Heaven forbid that any motives of policy should prevent our adopting it! But if, on the contrary, it should appear, that the cause of humanity was, in fact, against the abolition, he trusted that the very same principles which would in the one case have induced the committee to adopt the proposition, would then induce them to unite with him in opposing it. He desired, however, to be understood, when he said that the cause of humanity was against the abolition. The question was not, whether the trade was abstractedly in itself an evil—he admitted it to be so—but whether, under all the circumstances of the case, any considerable advantage would arise to a number of our fellow creatures, from the abolition of the trade taking place in the manner in which it had been proposed?

The subject from the manner in which it had been treated, naturally divided itself into three points of view. 1. The situation of the negroes on the coast of Africa. 2. Their situation in the Middle Passage. 3. Their situation in the West-India Islands; and how far, in each of these respective situations, their condition was likely to be benefited by the measure which had been proposed. Disposed as he might be, not entirely to agree with the statement that had been made, of the situation of the negroes in Africa, it was not his intention to rest any argument on that ground. He was ready to admit that their situation was miserable, that their miseries were in a great measure occasioned by the slave trade, and that if that trade was universally abolished, very great benefit would consequently accrue to the inhabitants of Africa. No person would, however, pretend to assert, that whatever may be the calamities suffered by the inhabitants of that continent, those calamities arise from the trade, as carried on by Great Britain only. Other countries must, of course, occasion as much of those evils as we do; and if the abolition of the trade on our part should prove only the transfer of it into the hands of those countries, very little benefit could accrue to the negroes from our humanity. What then, is the probability of our example being followed by those countries who have a considerable share in the trade? Five years have now elapsed since the disposition of a considerable part of this country has manifested itself in favour of the abolition. Sufficient time, then, has been given, to enable us to judge whether other countries are likely to second our efforts. Have the Portuguese shown any disposition to follow our example? Far from it. Have the Dutch? He was very much misinformed if there were not agents from Holland at this very time in this country, who were negociating with persons concerned in the trade, and who were desirous of giving all possible encouragement to them if we should abandon it. Have the Spaniards? On the contrary, it will appear that they immediately took advantage of our disposition, and gave every possible encouragement to the trade, by offering a bounty on the importation of slaves. Have the French? They who have carried fanaticism, and their idea of liberty, to an extent as yet unheard of; have they shewn any disposition to imitate our conduct in this particular? The measure was certainly proposed in the national assembly, but was rejected; nay, not only rejected, but the bounty on the importation of slaves, as an encouragement to the trade, has been continued.—He said, he should not have been surprised if some of these countries had thought it politic to pretend to have a similar disposition with ourselves, and after having induced us to abolish the trade, had availed themselves of our disposition to humanity. But when they have not only shown no disposition to abolish, but, on the contrary, every disposition to encourage it, he had a right to infer, that the abolition of the trade, on our part, would be only the transfer of it into the hands of those countries.

On great political questions, where important interests are involved, it would in general have been thought sufficient to be able to prove, that no benefit was likely to arise to those to whom we were desirous of affording relief; but if he could proceed farther; if he could prove, not only that no advantage, but that a great disadvantage would arise to the negroes, from the measure that is proposed, no doubt could then remain on the mind of any person who did not prefer speculative to practical humanity, respecting the propriety of rejecting it. The mortality on board the English ships trading from Africa was, previous to the regulating bill, 4¼ per cent. Since that, it had been reduced to a little more than 3 per cent. The mortality on board French ships trading from the same quarter is near 10 per

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cent; so that there is a mortality of nearly 7 per cent. more on board French, than on board English ships. The mortality in Dutch ships is from 5 to 7 per cent. The mortality on board Portuguese ships is less than either on the French or Dutch ships, but more than on English ships, since the regulating bill. Let us, then, consider, what would be the consequence of the abolition of the trade on our part. Do we regret the deaths, do we regret the cruelties that are said to have been committed? Those deaths, and those cruelties would be more than doubled if we were to abolish the trade. Suppose the case, as it really stands, was to be submitted to the Africans: supposed we were to consult their inclinations on the subject, what do we believe would be their answer; miserable as to them the trade might be; numerous as the calamities they suffer from it? "If other countries are not disposed to unite with you in abolishing it, for our sakes do you continue it; for whatever may be the evils we suffer from it, the trade carried on by other countries, when compared to the trade carried on by you, is as evil when compared to good." He was ready to admit that there was one answer, which would probably be made to this. Great Britain trades not only for her own islands, but in some degree for those of other countries. No good, but, on the contrary, evil, would be the consequence to those negroes which we carry into the foreign West-India islands. But as the trade between Africa and our West-India islands would then be stopped, and as, consequently, a smaller number of negroes would then be wanted, than those which are demanded at present, some degree of good would accrue to the people of Africa from the abolition of the trade on our part. In answer to this argument, he observed, that as the West-India planters purchased negroes at present, notwithstanding the greatness of their price, he had a right to infer, that they thought it for their interest to purchase them, and that consequently, even after the abolition of the trade on our part, they would not fail to purchase them. The point, then, to be considered was, what is the probability of their being able to smuggle? The committee may, in a great measure, judge of this from the evidence already before them. By the evidence it appears that a great number of slaves have been clandestinely stolen, from time to time, out of our islands, and carried into the foreign West-India islands. It appears that several hundreds were stolen, within a very short period, from Jamaica, and carried into Cuba. These facts, he observed, might surprise the House, as it was clearly the interest of all the planters to prevent the smuggling, if possible. But if other countries were able to smuggle slaves out of the island, when it was the interest of every planter and overseer to prevent that practice—it follows that there would be very little difficulty in smuggling slaves into the islands, where it would be for the interest of every planter and overseer to promote it. The consequence, then, of the abolition of the trade on our part, would be only the transfering it into the hands of other nations, who would carry it on at a much greater disadvantage to the Africans, and who would acquire the advantage and profit to themselves of supplying our islands with slaves.

The attention of the committee was next called to the state of the negroes in the West India islands; and much had been said under this head; of the cruelties they suffered, and of the hard labour they were obliged to undergo. Tales of oppression had been told, and narratives of ill usage had been related, which must undoubtedly shock the feelings of all who heard them; but was it fair, he asked, to infer from extraordinary instances, the general bad usage of the slaves? Suppose that in the best cultivated government, a collection was to be made of the different abuses and cruelties that had been committed for a series of years; suppose that in this country such a collection had been made, and after the brilliant panegyric that was made some time ago on our excellent constitution, some person had risen up, and had stated these, as proofs that our constitution was very different from what it had been described; should we have thought ourselves justified in inferring from a certain number of extraordinary instances, that we lived under a government oppressive and tyrannical? Should we not rather have answered, that in the most perfect system which the human intellect is capable of forming, some weaknesses, some defects must necessarily exist; and that it was unfair to draw inferences from extraordinary examples, to the prejudice of any system whatever? Having put this in the strongest light, he said, he had a right to draw the same inference with respect to the state of the slaves in the West

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India islands, who, from being slaves, were necessarily exposed to certain peculiar disadvantages. He had a right to draw that inference, provided he could prove, that, notwithstanding any particular exception, the general behaviour of the planters or overseers towards the slaves, could not have been such as the friends to the abolition had described it to be. Evidence had certainly been adduced, on both sides, and he should not be afraid, if it were necessary, to oppose the evidence of those who have appeared in favour of the planters, against any evidence which had been adduced on the other side. He should not be afraid to oppose such characters as lord Rodney, admiral Barrington, Admiral Hotham, sir Joshua Rowley, &c. against any authorities, however respectable, who may have come forward in favour of the abolition. But on no such evidence was it his intention to rest the argument; there were facts in support of that evidence, which must leave it without doubt on the minds of the committee. Previous to the year 1730, the mortality, and consequently the decrease of the slaves, in the West India islands, was very considerable. From 1730 to 1755, the deaths were reduced to only 2½ per cent. more than the births. From 1755 to 1768, they were reduced to only one and three fourths more than the births. From 1768 to 1788, they were reduced to only one per cent. This then, on the first view of the subject, must prove, that whatever may have been the situation of slaves in former times, their condition has been gradually improved. But if we considered the peculiar disadvantages under which they labour; if we considered the small proportion of females to males, the hurricanes, and famines which have been the consequence of those hurricanes, and which have swept away, in a short period, thousands of lives; if we considered thus, that every natural obstacle seemed to combine to prevent the increase of the slaves, we must have judged it physically impossible that they should have increased in the manner, and to the degree to which they have increased, if the cruel treatment they had suffered, and the hard labour imposed upon them, had been such as the friends of the abolition had represented.

This statement, not only enabled him to justify the West India planters from the aspersions that had been thrown out against them, but to draw still more important conclusions—that as the slaves in the West India islands had, under the present state of things, gradually increased, they would continue to increase: that very few years would pass, not only before the births were equal to the deaths, but before they were more numerous than the deaths: that if this was likely to happen under the present state of things, *à fortiori*, it would follow that it must take place, if, by certain regulations, the increase of the imported slaves could be encouraged. The only doubt therefore, that could remain on the minds of gentlemen, was, whether it was more for the interest of the planter to import, or breed; for if he should be able to prove, that it was more for the interest of the planter to breed, it would then follow, that the moment the stock of slaves in the islands was believed by the planters to be sufficient, that moment the farther importation must necessarily cease. In the first place, the gradual increase of the slaves of late years, clearly proved that the increase had been encouraged by the planter, who consequently must have conceived it to have been his interest to breed. But he meant not to rest the argument on that ground. The price of slaves was of late years become so great (nearly, he believed, twice as great, as it was twenty years ago), that the planter, on the grounds of economy, would feel it his interest not to purchase, if he could possibly avoid it.

Let us consider, then, that the greatest mortality is on the newly imported slaves; that the diseases they bring with them from Africa, the diseases they are likely to contract on the passage, the operations they have been said to undergo in the seasoning, all prove the considerable risk there must be in the purchase of slaves, and that the planter is not only put to a very considerable expense, but is put to that expense, with a chance of very speedily losing the fruits of it. To these considerations others might be added, no less important. Slaves bred in the islands are much more attached to the spot. They have been gradually accustomed to the labour, and must consequently feel less objection to the performance of it. Trained up likewise in regular subordination, they must of course be much more manageable than those who are first put under the care of an overseer at a more advanced period of their life. Slaves, on the other hand, who have been imported,

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are frequently persons who have been convicted of crimes, and may consequently be such as no person would be desirous of employing, if he could possibly avoid it. Let it be added to all these circumstances, that children are of the greatest service in many parts of the labour, so that whilst the planter must must be convinced, that they will be the most valuable slaves, when arrived at the age of maturity, he receives very considerable advantage from them, even in their earliest years.

It having, then, been proved, that the interest of the planter was to breed, rather than to import, it must follow, that the planter would be little less than mad, to purchase slaves, if he was not convinced that a farther supply was necessary. But it had been said, that the births and the deaths in the islands were equal, and that consequently no farther supply was wanted. He was ready to admit, that the births and deaths were nearly equal, but the question must still come to this: was the stock of slaves in the islands sufficient? Suppose that in Jamaica there were 250,000 slaves, and suppose, what he rather doubted, that number sufficient for the cultivation of the island; he yet ventured to assert, if the farther importation was to be stopped, that the number of slaves in the island was not sufficient; for gentlemen seemed to have forgot, that persons in that climate are subject to diseases, of which we are ignorant, and which sweep away hundreds, nay sometimes thousands at a time. They seem to have forgot, that they are subject to hurricanes and famines, which have the same dreadful effects. Whatever number of slaves might be necessary for the cultivation of the islands, if farther importation was to be stopped, an extra number would be necessary, in case of any extraordinary mortality, in order to prevent the complete ruin of the planter. That the time would come, when the stock of slaves in the islands would be sufficient, no person who had attended to the former part of his argument could doubt. That the slaves had gradually increased, and that by certain regulations the increase might be considerably promoted, must be equally obvious. But these were all considerations which should induce us to oppose the abolition, because the event, without any of the evils that might arise from the immediate adoption of that measure, must, in the natural order which he had described, take place in the course of a very short period. He then wished the committee to consider, what mischiefs might arise from the planters being able to smuggle; how dangerous it might be, that they should depend on other nations, and not on us, for their supply of slaves; that from entering into bargains and contracts, perhaps even with our enemies, their dispositions might be alienated from us; that the loss of the islands themselves might be the consequence; and not only the loss of so much revenue, and so much power to ourselves, but the acquisition of that power, and that revenue by our enemies. This was, however, not the only risk to which we were exposing our colonies. Let us reflect on the calamities of St. Domingo, which have been imputed by the deputies from that island, to the advocates of abolition. What horror could be described, what ravage could be painted, what cruelty could be committed, which those unfortunate beings had not suffered? And should we, when principles of the same sort were lurking in our own islands, expose our fellow subjects to the same calamities.

It had been said, that there was a distinction between the abolition of the slave trade, and the emancipation of the slaves. He admitted that distinction; but ought we to be surprised if the slaves receiving no immediate benefit from the abolition, should complain that these principles were not equally applied to themselves? should we be surprised if their minds, not cultivated as our own, should not feel so nice a distinction? That the slave trade was in itself an evil, he was ready to admit; that a state of slavery itself was likewise an evil he was no less ready to admit; that if the question was, not to abolish, but establish them, he, of all those who professed so much zeal for the interest of humanity, would not be the least eager to oppose it; but, were there not many evils in this world which we should have thought it our duty to prevent, yet which, when once they had taken place, it was more dangerous to oppose than to submit to? The duty of a statesman was, not to consider abstractly what was right or wrong, but to weigh the disadvantages that were likely to arise from the abolition of an evil, against the consequences that were likely to arise from the continuance of it. On this ground let us judge of the present question. Here is an evil, the continuance of which, by proper regulations, may be extremely shortened—the extirpation of

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which, instead of being productive of good, would be productive of essential harm to those whom it is meant to benefit; and shall we, appearing to prevent the short continuance of this evil, adopt a measure which can be of no advantage on one hand, and which threatens every calamity on the other?—Agreeing most perfectly with the friends to the abolition in their end, he differed with them only in the means of accomplishing that end. He was anxious to do that gradually, which they were desirous of doing rashly. He then alluded to what had fallen from Mr. Dundas. To some part of his propositions he agreed, but he differed with him in others. He said he had drawn up two propositions, which met his ideas on the subject, and which he would state to the committee. He then read his two propositions, viz. "1, That an address be presented to his majesty, that he would be pleased to recommend to the colonial assemblies, to grant premiums to such planters and overseers as should distinguish themselves by promoting the annual increase of the slaves by birth. And likewise to grant freedom to every female negro who had borne and reared up five children to the age of seven years. 2, That a bounty of *5l.* per head be given to the master of every vessel employed in the trade from the coast of Africa, who should import, in any cargo, a greater number of female than male negroes, not exceeding the age of twenty-five years." Mr. Jenkinson, in order, he said, that he might be enabled to bring forward his propositions in form, moved "That the chairman do leave the chair."

Mr. *Estwick* gave his opinion in favour of the amendment moved by Mr. Dundas.

Mr. *Pitt* rose and said:—At this hour of the morning I am afraid, Sir, I am too much exhausted to enter so fully into the subject before the committee as I could wish; but if my bodily strength is in any degree equal to the task, I feel so strongly the magnitude of this question, that I am extremely earnest to deliver my sentiments, which I rise to do with the more satisfaction, because I now look forward to the issue of this business with considerable hopes of success. The debate has this day taken a turn, which, though it has produced a variety of new suggestions, has, upon the whole, reduced this question to a much narrower point than it was ever brought into before. I cannot say that I quite agree with the right hon. gentleman over the way (Mr. Fox); I am far from deploring all that has been said by my two hon. friends (Mr. Dundas and the Speaker), I rather rejoice that they have now brought this subject to a fair issue—that something, at least, is already gained, and that the argument has taken altogether a new course this night. It is true, a difference of opinion has been stated, and has been urged with all the force of argument that could be given to it. But give me leave to say, that this difference has been urged upon principles very far removed from those which were maintained by the opponents of my hon. friend when he first brought forward his motion. There are very few of those who have spoken this night, who have not declared the abolition of the slave trade to be their ultimate object. The point now in dispute between us, is, a difference merely as to the time at which the abolition ought to take place. I therefore congratulate this House, the country, and the world, that this great point has been gained; that we may now consider this trade as having received its condemnation; that this curse of mankind is seen by the House in its true light; that this stigma on our national character is about to be removed; and that mankind are likely to be delivered from the greatest practical evil that ever afflicted the human race—from the severest and most extensive calamity recorded in the history of the world.

In proceeding to give my reasons for concurring with my hon. friend in his motion, I shall necessarily advert to those topics which my right hon. friends near me have touched upon, and which they stated to be their motives for preferring a gradual abolition, to the more immediate and direct measure now proposed. Beginning as I do, with declaring that in this respect I differ completely from my right hon. friends near me, I do not, however, mean to say, that I differ as to one observation which has been pressed rather strongly by them. If they can show that by proceeding gradually we shall arrive more speedily at our end, than by a direct vote immediately to abolish; if they can show that our proposition has more the appearance of a speedy abolition, than the reality; undoubtedly they will in this case make a convert of every man among us, who looks to this, as a question not to be determined by theoretical principles or

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enthusiastic feelings, but considers the practicability of the measure—aiming simply to effect his object in the shortest time, and in the surest possible manner. If, however, I shall be able to show that the slave trade will on our plan be abolished sooner than on theirs; may I not then hope, that my right hon. friends will be as ready to adopt our proposition, as we should in the other case be willing to accede to theirs?—One of my right hon. friends has stated, that an act passed here for the abolition of the slave trade, would not secure its abolition. Now, Sir, I should be glad to know, why an act of the British legislature, enforced by all those sanctions which we have undoubtedly the power and the right to apply, is not to be effectual; at least as to every material purpose. Will not the executive power have the same appointment of the officers and the courts of judicature, by which all the causes relating to this subject must be tried, that it has in other cases? Will there not be the same system of law by which we now maintain a monopoly of commerce? If the same law, Sir, be applied to the prohibition of the slave trade, which is applied in the case of other contraband commerce, with all the same means of the country to back it, I am at a loss to know why the total abolition is not as likely to be effected in this way, as by any project of my right hon. friends, for bringing about a gradual termination of it. But my observation is strongly fortified by what fell from my hon. friend who spoke last. He has told you, Sir, that if you will have patience with it for a few years, the slave trade must drop of itself, from the increasing dearness of the commodity imported, and the increasing progress, on the other hand, of internal population. Is it true, then, that the importations are so expensive and disadvantageous already, that the internal population is even now becoming a cheaper resource? I ask, then, if you leave to the importer no means of importation but by smuggling, and if, besides all the present disadvantages, you load him with all the charges and hazards of the smuggler, by taking care that the laws against smuggling are in this case rigorously enforced, is there any danger of any considerable supply of fresh slaves being poured into the islands through this channel? And is there any real ground of fear, because a few slaves may have been smuggled in or out of the islands, that a bill will be ineffectual on any such ground? The question under these circumstances will not bear a dispute.

Perhaps, however, my hon. friends may take up another ground and say, "It is true your measure would shut out further importations more immediately; but we think it right, on grounds of general expediency, that they should not be immediately shut out." Let us come then to this question of the expediency of making the abolition distant and gradual, rather than immediate. The argument of expediency, in my opinion, will not justify the continuance of the slave trade for one unnecessary hour. Supposing it to be in our power (which I have shown it is), to enforce the prohibition from this present time, the expediency of doing it is to me so clear, that if I went on this principle alone, I should not feel a moment's hesitation. What is the argument of expediency stated on the other side? It is doubted whether the deaths and births in the islands are as yet so nearly equal as to ensure the keeping up of a sufficient stock of labourers. In answer to this, I took the liberty of mentioning, in a former year, what appeared to me to be the state of population at that time. My observations were taken from documents which we have reason to judge authentic, and which carried on the face of them the conclusions I then stated: they were the clear, simple, and obvious result of a careful examination which I made into this subject, and any gentleman who will take the same pains may arrive at the same degree of satisfaction. These calculations, however, applied to a period of time that is now four or five years past. The births were then, in the general view of them, nearly equal to the deaths; and, as the state of population was shown, by a considerable retrospect, to be regularly increasing, an excess of births must before this time have taken place. Another observation has been made as to the disproportion of the sexes. This, however, is a disparity, which will gradually diminish as the slave-trade diminishes, and must entirely cease when the trade shall be abolished. I believe this disproportion of the sexes is not now by any means considerable.—But, Sir, I also showed, that the great mortality which turned the balance so as to make the deaths appear more numerous than the births, arose too from the imported Africans, who die in extraordinary numbers in the seasoning. If,

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therefore, the importation of negroes should cease, every one of the causes of mortality which I have now stated, would cease also. Nor can I conceive any reason why the present number of labourers should not maintain itself in the West-Indies, except it be from some artificial cause, some fault in the islands; such as the impolicy of their governors, or the cruelty of the managers and officers, whom they employ.—I will not repeat all that I said at that time, or go through island by island. It is true, there is a difference in the ceded islands; and I state them possibly to be, in some respects, an excepted case. But, if we are to enter into the subject of the mortality in clearing new lands, this, Sir, is undoubtedly another question; the mortality here is tenfold: and this is to be considered, not as the carrying on of a trade, but as the setting on foot of a slave-trade for the purpose of peopling the colony; a measure which I think will not now be maintained. I therefore desire gentlemen to tell me fairly, whether the period they look to is not now arrived? Whether, at this hour, the West-Indies may not be declared to have actually attained a state in which they can maintain their population? And upon the answer I must necessarily receive, I think I could safely rest the whole of the question.

One hon. gentleman has rather ingeniously observed that one or other of these two assertions of ours, must necessarily be false: that either the population must be decreasing, which we deny; or if the population is increasing, that the slaves must be perfectly well treated (this being the cause of such population), which we deny also. That the population is rather increasing than otherwise, and also that the general treatment is by no means so good as it ought to be, are both points which have been separately proved by different evidences; nor are these two points so entirely incompatible. The ill treatment must be very great indeed, in order to diminish materially the population of any race of people. That it is not so extremely great as to do this, I will admit. I will even admit that this charge may possibly have been sometimes exaggerated; and I certainly think, that it applies less and less as we come nearer to the present times. But let us see how this contradiction of ours, as it is thought, really stands, and how the explanation of it will completely settle our minds on the point in question. Do the slaves diminish in numbers? It can be nothing but ill treatment that causes the diminution. This ill treatment the abolition must and will restrain. In this case, therefore; we ought to vote for the abolition. On the other hand, Do you choose to say that the slaves clearly increase in numbers? Then you want no importations, and, in this case also, you may safely vote for the abolition. Or, if you choose to say, as the third and only other case which can be put, and which perhaps is the nearest to the truth, that the population is nearly stationary and the treatment neither so bad nor so good as it might be; then surely, Sir, it will not be denied, that this of all others, is, on each of the two grounds, the proper period for stopping further supplies: for your population, which you own is already stationary, will thus be made undoubtedly to increase from the births; and the good treatment of your present slaves, which I am now supposing is but very moderate, will be necessarily improved also by the same measure of abolition. I say, therefore, that these propositions, contradictory as they may be represented, are in truth not at all inconsistent, but even come in aid of each other, and lead to a conclusion that is decisive. And let it be always remembered, that in this branch of my argument, I have only in view the well-being of the West-Indies, and do not now ground any thing on the African part of the question.

But, Sir, I may carry these observations respecting the islands much further. It is within the power of the colonists (and is it not then their indispensable duty)? to apply themselves to the correction of those various abuses, by which population is restrained. The most important consequences may be expected to attend colonial regulations for this purpose. With the improvement of internal population, the condition of every negro will improve also; his liberty will advance, or at least he will be approaching to a state of liberty. Nor can you increase the happiness, or extend the freedom of the negro, without adding in an equal degree to the safety of the islands, and of all their inhabitants. Thus, Sir, in the place of slaves, who naturally have an interest directly opposite to that of their masters, and are therefore viewed by them with an eye of constant suspicion, you will create a body of valuable citizens and subjects,

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forming a part of the same community, having a common interest with their superiors, in the security and prosperity of the whole. And here let me add, that in proportion as you increase the happiness of these unfortunate beings, you will undoubtedly increase in effect the quantity of their labour also. Gentlemen talk of the diminution of the labour of the islands. I will venture to assert, that, even if in consequence of the abolition there were to be some decrease in the number of hands, the quantity of work done, supposing the condition of the slaves to improve, would by no means diminish in the same proportion: perhaps would be far from diminishing at all. For if you restore to this degraded race the true feelings of men; if you take them out from among the order of brutes, and place them on a level with the rest of the human species, they will then work with that energy which is natural to men, and their labour will be productive, in a thousand ways, above what it has yet been; as the labour of a man is always more productive than that of a mere brute.

It generally happens, that in every bad cause some information arises out of the evidence of its defenders themselves, which serves to expose in one part or other the weakness of their defence. It is the characteristic of such a cause, that if it be at all gone into, even by its own supporters, it is liable to be ruined by the contradictions in which those who maintain it are for ever involved. The committee of the privy council of Great Britain sent over certain queries to the West India islands, with a view of elucidating the present subject; and they particularly inquired, whether the negroes had any days hours allotted to them, in which they or might work for themselves. The assemblies in their answers, with an air of great satisfaction, state the labour of the slaves to be moderate, and the West India system to be well calculated to promote the domestic happiness of the slaves: they add, "that proprietors are not compelled by law to allow their slaves any part of the six working days of the week for themselves, but that it is the general practice to allow them one afternoon in every week out of crop time, which, with such hours as they choose to work on Sundays, is time amply sufficient for their own purposes." Now, therefore, will the negroes, or I may rather say, do the negroes work for their own emolument? I beg the committee's attention to this point. The assembly of Grenada proceeds to state—I have their own words for it—"That though the negroes are allowed the afternoons of only one day in every week, they will do as much work in that afternoon, when employed for their own benefit, as in the whole day when employed in their master's service." Now, Sir, I will desire you to burn all my calculations; to disbelieve, if you please, every word I have said on the present state of population; nay, I will admit, for the sake of argument, that the numbers are decreasing, and the productive labour at present insufficient for the cultivation of those countries: and I will then ask, whether the increase in the quantity of labour which is reasonably to be expected from the improved condition of the slaves, is not, by the admission of the islands themselves, far more than sufficient to counterbalance any decrease which can be rationally apprehended from a defective state of their population? Why, Sir, a negro, if he works for himself, and not for a master, will do double work! This is their own account. If you will believe the planters, if you will believe the legislature of the islands, the productive labour of the colonies would, in case the negroes worked as free labourers instead of slaves, be literally doubled. Half the present labourers, on this supposition, would suffice, for the whole cultivation of our islands on the present scale. I therefore confidently ask the House, whether, in considering the whole of this question, we may not fairly look forward to an improvement in the condition of these unhappy and degraded beings, not only as an event desirable on the ground of humanity and political prudence, but also as a means of increasing very considerably indeed (even without any increasing population), the productive industry of the islands? When gentlemen are so nicely balancing the past and future means of cultivating the plantations, let me request them to put this argument into the scale; and the more they consider it, the more will they be satisfied, that both the solidity of the principle which I have stated, and the fact which I have just quoted in the very words of the colonial legislature, will bear me out in every inference I have drawn. I think they will perceive also, that it is the undeniable duty of this House, on the grounds of true policy, immediately to

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sanction and carry into effect that system which ensures these important advantages, in addition to all those other inestimable blessings which follow in their train.

If, therefore, the argument of expediency, as applying to the West India islands, is the test by which this question is to be tried, I trust I have now established this proposition, namely, that whatever tends most speedily and effectually to meliorate the condition of the slaves, is undoubtedly, on the ground of expediency, leaving justice out of the question, the main object to be pursued. That the immediate abolition of the slave trade will most eminently have this effect, and that it is the only measure from which this effect can in any considerable degree be expected, are points to which I shall presently come; but before I enter upon them, let me notice one or two further circumstances. We are told (and by respectable and well-informed persons) that the purchase of new negroes has been injurious instead of profitable to the planters themselves; so large a proportion of these unhappy wretches being found to perish in the seasoning. Writers well versed in this subject have even advised that, in order to remove the temptation which the slave trade offers to expend large sums in this injudicious way, the door of importation should be shut. This very plan which we now propose, the mischief of which is represented to be so great as to outweigh so many other momentous considerations, has actually been recommended by some of the best authorities, as a plan highly requisite to be adopted, on the very principle of advantage to the island; nay, not merely on that principle of general and political advantage on which I have already touched, but for the advantage of the very individuals who would otherwise be most forward in purchasing slaves. On the part of the West Indians it is urged, "The planters are in debt: they are already distressed; if you stop the slave trade, they will be ruined." Mr. Long, the celebrated historian of Jamaica, recommends the stopping of importations, as a receipt for enabling the plantations which are embarrassed to get out of debt. Speaking of the usurious terms on which money is often borrowed for the purchase of fresh slaves, he advises "the laying of a duty equal to a prohibition on all negroes imported for the space of four or five years, except for re-exportation. Such a law," he proceeds to say, "would be attended with the following good consequences. It would put an immediate stop to these extortions; it would enable the planter to retrieve his affairs by preventing him from running in debt, either by renting or purchasing negroes: it would render such recruits less necessary, by the redoubled care he would be obliged to take of his present stock, the preservation of their lives and health: and lastly, it would raise the value of negroes in the island. A North American province, by this prohibition alone for a few years, from being deeply plunged in debt, has become independent, rich, and flourishing." On this authority of Mr. Long, I rest the question, whether the prohibition of further importations is that rash, impolitic, and completely ruinous measure, which it is so confidently declared to be with respect to our West Indian plantations. I do not, however, mean, in thus treating this branch of the subject, absolutely to exclude the question of indemnification, on the supposition of possible disadvantages affecting the West Indies through the abolition of the slave trade. But when gentlemen set up a claim of compensation merely on those general allegations, which are all that I have yet heard from them, I can only answer, let them produce their case in a distinct and specific form; and if upon any practicable or reasonable grounds it shall claim consideration, it will then be time enough for parliament to decide upon it.

I now come to another circumstance of great weight, connected with this part of the question — I mean the danger to which the islands are exposed from those negroes who are newly imported. This Sir, is no mere speculation of ours: for here again I refer you to Mr. Long. He treats particularly of the dangers to be dreaded from the introduction of Coromantine negroes; an appellation under which are comprised several descriptions of negroes obtained on the Gold Coast, whose native country is not exactly known, and who are purchased in a variety of markets, having been brought from some distance inland. With a view of preventing insurrections, he advises that "by laying a duty equal to a prohibition, no more of these Coromantines should be bought;" and after noticing one insurrection which happened through their means, he tells you of another in the fol-

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lowing year, in which thirty-three coromantines, "most of whom had been newly imported, suddenly rose, and in the space of an hour murdered and wounded no less than nineteen white persons." To the authority of Mr. Long, I may add the recorded opinion of the committee of the house of assembly of Jamaica itself; who, in consequence of a rebellion among the slaves, were appointed to inquire into the best means of preventing future insurrections. The committee reported, "That the rebellion had originated (like most or all others) with the Coromantines; and they proposed that a bill should be brought in for laying a higher duty on the importation of these particular negroes," which was intended to operate as a prohibition. But the danger is not confined to the importation of Coromantines. Mr. Long, carefully investigating as he does the causes of such frequent insurrections, particularly at Jamaica, accounts for them from the greatness of its general importations. "In two years and a half," says he, "27,000 negroes have been imported. No wonder we have rebellions! 27,000 in two years and a half!" Why, Sir, I believe that in some late years there have been as many imported into the same island within the same period. Surely, when gentlemen talk so vehemently of the safety of the islands, and charge us with being so indifferent to it; when they speak of the calamities of St. Domingo, and of similar dangers impending over their own heads at the present hour, it ill becomes them to be the persons who are crying out for further importations. It ill becomes them to charge upon us the crime of stirring up insurrections—upon us who are only adopting the very principles, which Mr. Long—which in part even the legislature of Jamaica itself, laid down in the time of danger, with an avowed view to the prevention of any such calamity.

It is no small satisfaction to me, Sir, that among the many arguments for prohibiting the slave trade which crowd upon my mind, the security of our West India possessions against internal commotions, as well as foreign enemies, is among the most prominent, and here let me apply to my two right hon. friends, and ask them, whether in this part of the argument they do not see reason for immediate abolition? Why should you any longer import into those countries that which is the very seed of insurrection and rebellion? Why should you persist in introducing those latent principles of conflagration, which, if they should once burst forth, may annihilate in a single day the industry of a hundred years? Why will you subject yourselves, with open eyes, to the imminent risk of a calamity, which may throw you back a whole century in your profits, in your cultivation, in your progress to the emancipation of your slaves? and disappointing at once every one of those golden expectations, may retard not only the accomplishment of that happy system which I have attempted to describe, but may cut off even your opportunity of taking any one introductory step? Let us begin from this time. Let us not commit these important interests to any further hazard. Let us prosecute this great object from this very hour. Let us vote that the abolition of the slave trade shall be immediate, and not left to I know not what future time or contingency. Will my right hon. friends answer for the safety of the islands during any imaginable intervening period? Or do they think that any little advantages of the kind which they state, can have any weight in that scale of expediency in which this great question ought undoubtedly to be tried? Thus stated, and thus alone, Sir, can it be truly stated, to what does the whole of my right hon. friend's arguments, on the head of expediency, amount? It amounts but to this;—the colonies on the one hand would have to struggle with some few difficulties and disadvantages at the first, for the sake of obtaining on the other hand immediate security to their leading interests; of ensuring, Sir, even their own political existence; and for the sake also of immediately commencing that system of progressive improvement in the condition of the slaves, which is necessary to raise them from the state of brutes to that of rational beings, but which never can begin until the introduction of these new disaffected and dangerous Africans into the same gangs, shall have been stopped. —If any argument can in the slightest degree justify the severity that is now so generally practised in the treatment of the slaves, it must be the introduction of these Africans. It is the introduction of these Africans that renders all idea of emancipation for the present so chimerical; and the very mention of it so dreadful. It is the introduction of these Africans that keeps down the condition of

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all plantation negroes. Whatever system of treatment is deemed necessary by the planters to be adopted towards these new Africans, extends itself to the other slaves also. Instead, therefore, of deferring the hour when you will finally put an end to importations, vainly purposing that the condition of your present slaves should previously be mended, you must, in the very first instance, stop your importations, if you hope to introduce any rational or practicable plan either of gradual emancipation, or present general improvement.

Having now done with this question of expediency as affecting the islands, I come next to a proposition advanced by my right hon. friend (Mr. Dundas), which appeared to intimate, that on account of some patrimonial rights of the West Indians, the prohibition of the slave trade might be considered as an invasion on their legal inheritance. Now, in answer to this proposition, I must make two or three remarks, which I think my right hon. friend will find some considerable difficulty in answering.—First, I observe that his argument, if it be worth any thing, applies just as much to gradual as immediate abolition. I have no doubt, that at whatever period he should be disposed to say the abolition should actually take place, this defence will equally be set up; for it certainly is just as good an argument against an abolition seven, or seventy years hence, as against an abolition at this moment. It supposes, we have no right whatever to stop the importations; and even though the disadvantage to our plantations, which some gentlemen suppose to attend the measure of immediate abolition, should be admitted gradually to lessen by the lapse of a few years, yet in point of principle, the absence of all right of interference would remain the same. My right hon. friend, therefore, I am sure will not press an argument not less hostile to his proposition than to ours. But let us investigate the foundation of this objection, and I will commence what I have to say, by putting a question to my right hon. friend. It is chiefly on the presumed ground of our being bound by a parliamentary sanction heretofore given to the African slave trade, that this argument against the abolition is rested. Does then, my right hon. friend think, that the slave trade has received any such parliamentary sanction, as must place it more out of the jurisdiction of the legislature for ever after, than the other branches of our national commerce? I ask, is there any one regulation of any part of our commerce, which, if this argument be valid, may not equally be objected to, on the ground of its affecting some man's patrimony, some man's property, or some man's expectations? Let it never be forgotten, that the argument I am canvassing would be just as strong, if the possession affected were small, and the possessors humble; for on every principle of justice, the property of any single individual, or small number of individuals, is as sacred, as that of the great body of West Indians. Justice ought to extend her protection with rigid impartiality to the rich and to the poor, to the powerful and to the humble. If this be the case, in what a situation does my right hon. friend's argument place the legislature of Great Britain? What room is left for their interference in the regulation of any part of our commerce? It is scarcely possible to lay a duty on any one article, which may not, when first imposed, be said in some way to affect the property of individuals, and even of some entire classes of the community. If the laws respecting the slave trade imply a contract for its perpetual continuance, I will venture to say, there does not pass a year without some act, equally pledging the faith of parliament to the perpetuating of some other branch of commerce. In short, I repeat my observation, that no new tax can be imposed, much less can any prohibitory duty be ever laid on any branch of trade, that has before been regulated by parliament, if this principle be once admitted.

Before I refer to the acts of parliament by which the public faith is said to be pledged, let me remark also, that a contract for the continuance of the slave trade must, on the principles which I shall presently insist on, have been void, even from the beginning; for if this trade is an outrage upon justice, and only another name for fraud, robbery, and murder, will any man urge that the legislature could possibly by any pledge whatever incur the obligation of being an accessory, or I may even say a principal, in the commission of such enormities, by sanctioning their countenance? As well might an individual think himself bound by a promise to commit an assassination. I am confident, gentlemen must see, that our proceedings on such grounds, would infringe all the principles of law, and subvert the very foundation of morality.—Let us now see, how far the acts themselves

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show that there is this sort of parliamentary pledge to continue the African slave trade. The act of 23d Geo. 2d, c. 31, is that by which we are supposed to be bound up by contract to sanction all those horrors now so incontrovertibly proved. How surprised then, Sir, must the House be to find, that by the clause of that very act, some of these outrages are expressly forbidden! It says, "No commander, or master of a ship, trading to Africa, shall by fraud, force or violence, or by any indirect practice whatsoever, take on board or carry away from the coast of Africa, any negro, or native of the said country, or commit any violence on the natives, to the prejudice of the saidtrade, and that every person so offending shall for every such offence forfeit"—When it comes to the penalty, sorry am I to say, that we see too close a resemblance to the West India law, which inflicts the payment of 30*l.* as the punishment for murdering a negro. The price of blood in Africa is 100*l.*; but even this penalty is enough to prove that the act at least does not sanction, much less does it engage to perpetuate enormities.—But, Sir, let us see what was the motive for carrying on the trade at all? The preamble of the act states it, "Whereas the trade to and from Africa is very advantageous to Great Britain, and necessary for the supplying the plantations and colonies thereunto belonging with a sufficient number of negroes at reasonable rates, and for that purpose the said trade should be carried on," &c. Here then we see what the parliament had in view when it passed this act; and I have clearly shown that not one of the occasions on which it grounded its proceedings now exists. I may then plead, I think, the very act itself as an argument for the abolition. If it is shown, that instead of being "very advantageous" to Great Britain, this trade is the most destructive that can well be imagined to her interests; that it is the ruin of our seamen: that it stops the extension of our manufactures: if it is proved in the second place that it is not now necessary for the "supplying our plantations with negroes;" if it is further established that this traffic was from the very beginning contrary to the first principles of justice, and consequently that a pledge for its continuance, had one been attempted to have been given, must have been completely and absolutely void; —where then in this act of parliament is the contract to be found, by which Britain is bound, as she is saidto be, never to listen to her own true interests, and to the cries of the natives of Africa? Is it not clear that all argument, founded on the supposed pledged faith of parliament, makes against those who employ it? I refer you to the principles which obtain in other cases. Every trade act shows undoubtedly that the legislature is used to pay a tender regard to all classes of the community. But if, for the sake of moral duty, of national honour, or even of great political advantage, it is thought right, by authority of parliament, to alter any long established system, parliament is competent to do it. The legislature will undoubtedly be careful to subject individuals to as little inconvenience as possible; and if any peculiar hardship should arise, that can be distinctly stated and fairly pleaded, there will ever, I am sure, be a liberal feeling towards them in the legislature of this country, which is the guardian of all who live under its protection. On the present occasion, the most powerful considerations call upon us to abolish the slave trade: and if we refuse to attend to them on the alleged ground of pledged faith and contract, we shall depart as widely from the practice of parliament, as from the path of moral duty. If indeed there is any case of hardship, which comes within the proper cognizance of parliament, and calls for the exercise of its liberality,—well! But such a case must be reserved for calm consideration, as a matter distinct from the present question.

The result of all I have said, is, that there exists no impediment, on the ground of pledged faith, or even on that of national expediency, to the abolition of this trade. On the contrary, all the arguments drawn from those sources plead for it, and they plead much more loudly, and much more strongly in every part of the question, for an immediate, than for a gradual abolition. But now, Sir, I come to Africa. That is the ground on which I rest, and here it is that I say my right hon. friends do not carry their principles to their full extent. Why ought the slave trade to be abolished? Because it is incurable injustice. How much stronger, then, is the argument for immediate, than gradual abolition! By allowing it to continue even for one hour, do not my right hon. friends weaken their own argument of its injustice? If on the ground of injustice it ought to be abolished at last, why ought it not now? Why is in-

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justice to be suffered to remain for a single hour? From what I hear without doors, it is evident that there is a general conviction entertained of its being far from just; and from that very conviction of its injustice, some men have been led, I fear, to the supposition, that the slave trade never could have been permitted to begin, but from some strong and irresistible necessity: a necessity, however, which if it was fancied to exist at first, I have shown cannot be thought by any man whatever to exist now. This plea of necessity has caused a sort of acquiescence in the continuance of this evil. Men have been led to place it among the rank of those necessary evils, which are supposed to be the lot of human creatures, and to be permitted to fall upon some countries or individuals, rather than upon others, by that Being, whose ways are inscrutable to us, and whose dispensations, it is conceived, we ought not to look into. The origin of evil is indeed a subject beyond the reach of human understandings; and the permission of it by the Supreme Being, is a subject into which it belongs not to us to inquire. But where the evil in question is a moral evil which a man can scrutinize, and where that moral evil has its origin with ourselves, let us not imagine that we can clear our consciences by this general, not to say irreligious and impious, way of laying aside the question. If we reflect at all on this subject, we must see that every necessary evil supposes that some other and greater evil would be incurred were it removed. I therefore desire to ask, what can be that greater evil, which can be stated to overbalance the one in question? I know of no evil that ever has existed, nor can imagine any evil to exist, worse than the tearing of seventy or eighty thousand persons annually from their native land, by a combination of the most civilized nations, inhabiting the most enlightened part of the globe, but more especially under the sanction of the laws of that nation which calls herself the most free and the most happy of them all. Even if these miserable beings were proved guilty of every crime before you take them off, ought we to take upon ourselves the office of executioners? And even if we condescend so far, still can we be justified in taking them, unless we have clear proof that they are criminals?—But, if we go much further,—if we ourselves tempt them to sell their fellow creatures to us—we may rest assured, that they will take care to provide by every possible method, a supply of victims increasing in proportion to our demand. Can we, then, hesitate in deciding, whether the wars in Africa are their wars or ours? It was our arms in the river Cameroon put into the hands of the trader, that furnished him with the means of pushing his trade; and I have no more doubt that they are British arms, put into the hands of Africans, which promote universal war and desolation, than I can doubt their having done so in that individual instance.

I have shown how great is the enormity of this evil, even on the supposition that we take only convicts and prisoners of war. But take the subject in the other way, and how does it stand? Think of 80,000 persons carried out of their native country by we know not what means! for crimes imputed! for light or inconsiderable faults! for debt perhaps! for the crime of witchcraft! or a thousand other weak and scandalous pretexts? Reflect on these 80,000 persons thus annually taken off! There is something in the horror of it, that surpasses all the bounds of imagination. Admitting that there exists in Africa something like to courts of justice; yet what an office of humiliation and meanness is it in us, to take upon ourselves to carry into execution the iniquitous sentences of such courts, as if we also were strangers to all religion, and to the first principles of justice! But that country, it is said, has been in some degree civilized, and civilized by us. It is said they have gained some knowledge of the principles of justice. Yes, we give them enough of our intercourse to convey to them the means, and to initiate them in the study of mutual destruction. We give them just enough of the forms of justice to enable them to add the pretext of legal trials to their other modes of perpetrating the most atrocious iniquity. We give them just enough of European improvements, to enable them the more effectually to turn Africa into a ravaged wilderness. Some evidences say, that the Africans are addicted to the practice of gambling; that they even sell their wives and children, and ultimately themselves. Are these, then, the legitimate sources of slavery? Shall we pretend that we can thus acquire an honest right to exact the labour of these people? Can we pretend that we have a right to carry away to distant regions, men of whom we know nothing by authentic inquiry, and of

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whom there is every reasonable presumption to think, that those who sell them to us, have no right to do so? But the evil does not stop here. Do you think nothing of the ruin and the miseries in which so many other individuals, still remaining in Africa, are involved in consequence of carrying off so many myriads of people? Do you think nothing of their families left behind? of the connexions broken? of the friendships, attachments, and relationships that are burst asunder? Do you think nothing of the miseries in consequence, that are felt from generation to generation? of the privation of that happiness which might be communicated to them by the introduction of civilization, and of mental and moral improvement? A happiness which you withhold from them so long as you permit the slave-trade to continue.

Thus, Sir, has the perversion of British commerce carried misery instead of happiness to one whole quarter of the globe. False to the very principles of trade, misguided in our policy, and unmindful of our duty, what astonishing mischief have we brought upon that continent! If, knowing the miseries we have caused, we refuse to put a stop to them, how greatly aggravated will be the guilt of this country! Shall we then delay rendering this justice to Africa? I am sure the immediate abolition of the slave-trade is the first, the principal, the most indispensable act of policy, of duty, and of justice, that the legislature of this country has to take, if it is indeed their wish to secure those important objects to which I have alluded, and which we are bound to pursue by the most solemn obligations. There is, however, one argument set up as a universal answer to every thing that can be urged on our side. The slave-trade system, it is supposed, has taken such deep root in Africa, that it is absurd to think of its being eradicated; and the abolition of that share of trade carried on by Great Britain is likely to be of very little service. You are not sure, it is said, that other nations will give up the trade, if you should renounce it. I answer, if this trade is as criminal as it is asserted to be, God forbid that we should hesitate in relinquishing so iniquitous a traffic; even though it should be retained by other countries! I tremble at the thought of gentlemen's indulging themselves in the argument which I am combating. "We are friends," say they, "to humanity. We are second to none of you in our zeal for the good of Africa,—but the French will not abolish,—the Dutch will not abolish. We wait, therefore on prudential principles, till they join us, or set us an example." How, Sir, is this enormous evil ever to be eradicated, if every nation is thus prudentially to wait till the concurrence of all the world shall have been obtained? Let me remark, too, that there is no nation in Europe that has, on the one hand, plunged so deeply into this guilt as Great Britain; or that is so likely, on the other, to be looked up to as an example. But, does not this argument apply a thousand times more strongly in a contrary way? How much more justly may other nations point to us, and say, "Why should we abolish the slave-trade when Great Britain has not abolished it? Britain, free as she is, just and honourable as she is, and deeply involved as she is in this commerce above all nations, not only has not abolished, but has refused to abolish. This, Sir, is the argument with which we furnish the other nations of Europe, if we again refuse to put an end to the slave-trade. Instead, therefore, of imagining, that by choosing to presume on their continuing it, we shall have exempted ourselves from guilt, and have transferred the whole criminality to them; let us rather reflect, that on the very principle urged against us, we shall henceforth have to answer for their crimes, as well as our own.

It has also been urged, that there is something in the disposition and nature of the Africans themselves, which renders all prospect of civilization on that continent extremely unpromising. "It has been known," says Mr. Frazer, in his evidence, "that a boy has been put to death, who was refused to be purchased as a slave." This single story was deemed by that gentleman a sufficient proof of the barbarity of the Africans, and of the inutility of abolishing the slave trade. My hon. friend, however, has told you, that this boy had previously run away from his master three times; that the master had to pay his value according to the custom of his country, every time he was brought back; and that, partly from anger at the boy for running away so frequently, and partly to prevent a repetition of the same expense, he determined to put him to death. This, Sir, is the signal instance that has been dwelt upon of African barbarity. This African, we

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admit, was unenlightened, and altogether barbarous; but let us now ask what would a civilized and enlightened West Indian, or a body of West Indians, have done in any case of a parallel nature? I will quote you, Sir, a law passed in the West Indies, in 1722; by which law, this same crime of running away, is, by the legislature of the island, punished with death, in the very first instance. I hope therefore, we shall hear no more of the moral impossibility of civilizing the Africans, nor have our understandings again insulted, by being called upon to sanction the trade, until other nations shall have set the example of abolishing it. While we have been deliberating, one nation, Denmark, not by any means remarkable for the boldness of its councils, has determined on a gradual abolition. France, it is said, will take up the trade, if we relinquish it. What! Is it supposed that, in the present situation of St. Domingo, an island which used to take three fourths of all the slaves required by the colonies of France, she, of all countries, will think of taking it up? Of the countries which remain, Portugal, Holland, and Spain—let me declare it is my opinion, that if they see us renounce the trade, they will not be disposed, even on principles of policy, to rush further into it. But I say more. How are they to furnish the capital necessary for carrying it on? If there is any aggravation of our guilt, in this wretched business, it is that we have stooped to be the carriers of these miserable beings from Africa to the West Indies, for all the other powers of Europe. And, if we retire from the trade, where is the fund equal to the purchase of 30 or 40,000 slaves? A fund, which if we rate the slaves at 40*l.* or 50*l.* each, cannot require a capital of less than a million and a half, or two millions of money.

Having detained the House so long, all that I will further add, shall relate to that important subject, the civilization of Africa. Grieved am I to think that there should be a single person in this country, who can look on the present uncivilized state of that continent, as a ground for continuing the slave trade,—as a ground not only for refusing to attempt the improvement of Africa, but even for intercepting every ray of light which might otherwise break in upon her. Here, as in every other branch of this extensive question, the argument of our adversaries pleads against them; for surely Sir, the present deplorable state of Africa, especially when we reflect that her chief calamities are to be ascribed to us, calls for our generous aid, rather than justifies any despair on our part of her recovery, and still less any further repetition of our injuries. I will not much longer fatigue the attention of the House; but this point has impressed itself so deeply on my mind, that I must trouble the committee with a few additional observations. Are we justified, I ask, on any one ground of theory, or by any one instance to be found in the history of the world, from its very beginning to this day, in forming the supposition which I am now combating? Are we justified in supposing that the particular practice which we encourage in Africa, of men selling each other for slaves, is any symptom of a barbarism that is incurable? Are we justified in supposing that even the practice of offering up human sacrifices proves a total incapacity for civilization? I believe it will be found, that both the trade in slaves, and the still more savage custom of offering up human sacrifices, obtained in former periods, throughout many of those nations which now, by the blessings of providence, and by a long progression of improvements, are advanced the farthest in civilization. I believe that, if we reflect an instant, we shall find that this observation comes directly home to ourselves; and that, on the same ground on which we are now disposed to proscribe Africa for ever from all possibility of improvement, we might, in like manner, have been proscribed and for ever shut out from all the blessings which we now enjoy. There was a time, Sir, when even human sacrifices are said to have been offered in this island. But I would peculiarly observe on this day, for it is a case precisely in point, that the very practice of the slave trade once prevailed among us. Slaves, as we may read in Henry's History of Great Britain, were formerly an established article of our exports. "Great numbers," he says, "were exported like cattle, from the British coast, and were to be seen exposed for sale in the Roman market." It does not distinctly appear, by what means they were procured; but there is unquestionably no small resemblance, in this particular point, between the case of our ancestors and that of the present wretched natives of Africa; for the historian tells you that "adultery, witchcraft, and debt

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were probably some of the chief sources of supplying the Roman market with British slaves; that prisoners taken in war were added to the number; and that there might be among them some unfortunate gamesters who, after having lost all their goods, at length staked themselves, their wives, and their children." Every one of these sources of slavery has been stated to be at this hour a source of slavery in Africa. And these circumstances, Sir, with a solitary instance or two of human sacrifices, furnish the alleged proofs, that Africa labours under a natural incapacity for civilization; that it is enthusiasm and fanaticism to think that she can ever enjoy the knowledge and the morals of Europe; that Providence never intended her to rise above a state of barbarism; that Providence has irrevocably doomed her to be only a nursery for slaves, for us free and civilized Europeans. Allow of this principle, as applied to Africa, and I should be glad to know why it might not also have been applied to ancient and uncivilized Britain. Why might not some Roman senator, reasoning on the principles of some hon. gentlemen, and pointing to British barbarians, have predicted with equal boldness, "There is a people that will never rise to civilization; there is a people destined never to be free; a people without the understanding necessary for the attainment of useful arts; depressed by the hand of nature below the level of the human species; and created to form a supply of slaves for the rest of the world." Might not this have been said, in all respects as fairly and as truly of Britain herself, at that period of her history, as it can now be said by us of the inhabitants of Africa? We, Sir, have long since emerged from barbarism; we have almost forgotten that we were once barbarians; we are now raised to a situation which exhibits a striking contrast to every circumstance, by which a Roman might have characterized us, and by which we now characterize Africa. There is, indeed, one thing wanting to complete the contrast, and to clear us altogether from the imputation of acting even to this hour as barbarians; for we continue to this hour a barbarous traffic in slaves; we continue it even yet, in spite of all our great and undeniable pretensions to civilization. We were once as obscure among the nations of the earth, as savage in our manners, as debased in our morals, as degraded in our understandings, as these unhappy Africans are at present. But in the lapse of a long series of years, by a progression slow, and for a time, almost imperceptible, we have become rich in a variety of acquirements, favoured above measure in the gifts of Providence, unrivalled in commerce, pre-eminent in arts, foremost in the pursuits of philosophy and science, and established in all the blessings of civil society: we are in the possession of peace, of happiness, and of liberty; we are under the guidance of a mild and beneficent religion; and we are protected by impartial laws, and the purest administration of justice: we are living under a system of government, which our own happy experience leads us to pronounce the best and wisest which has ever yet been framed; a system which has become the admiration of the world. From all these blessings, we must for ever have been shut out, had there been any truth in those principles which some gentlemen have not hesitated to lay down as applicable to the case of Africa. Had those principles been true, we ourselves had languished to this hour in that miserable state of ignorance, brutality, and degradation, in which history proves our ancestors to have been immersed. Had other nations adopted these principles in their conduct towards us; had other nations applied to Great Britain the reasoning which some of the senators of this very island now apply to Africa, ages might have passed without our emerging from barbarism; and we, who are enjoying the blessings of a British civilization, of British laws, and British liberty, might, at this hour, have been little superior, either in morals, in knowledge, or refinement, to the rude inhabitants of the coast of Guinea.

If, then, we feel that this perpetual confinement in the fetters of brutal ignorance, would have been the greatest calamity which could have befallen us; if we view with gratitude and exultation the contrast between the peculiar blessings we enjoy, and the wretchedness of the ancient inhabitants of Britain; if we shudder to think of the misery which would still have overwhelmed us, had Great Britain continued to be the mart for slaves to the more civilized nations of the world, God forbid that we should any longer subject Africa to the same dreadful scourge, and preclude the light of knowledge, which has reached every other quarter of the globe from having access

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to her coasts! I trust we shall no longer continue this commerce, to the destruction of every improvement on that wide continent; and shall not consider ourselves as conferring too great a boon, in restoring its inhabitants to the rank of human beings. I trust we shall not think ourselves too liberal, if, by abolishing the slave trade, we give them the same common chance of civilization with other parts of the world, and that we shall now allow to Africa the opportunity —the hope—the prospect of attaining to the same blessings which we ourselves, through the favourable dispensations of Divine Providence, have been permitted, at a much more early period, to enjoy. If we listen to the voice of reason and duty, and pursue this night the line of conduct which they prescribe, some of us may live to see a reverse of that picture, from which we now turn our eyes with shame and regret. We may live to behold the natives of Africa engaged in the calm occupations of industry, in the pursuits of a just and legitimate commerce. We may behold the beams of science and philosophy breaking in upon their land, which, at some happy period in still later times, may blaze with full lustre; and joining their influence to that of pure religion, may illuminate and invigorate the most distant extremities of that immense continent. Then may we hope that even Africa, though last of all the quarters of the globe, shall enjoy at length, in the evening of her days, those blessings which have descended so plentifully upon us in a much earlier period of the world. Then also will Europe, participating in her improvement and prosperity, receive an ample recompense for the tardy kindness (if kindness it can be called), of no longer hindering that continent from extricating herself out of the darkness which, in other more fortunate regions, has been so much more speedily dispelled—

——Nos primus equis oriens afflavit anhelis;
Illic sera rubens accendit lumina Vesper.

Then, Sir, may be applied to Africa, those words, originally used indeed with a different view:

His demum exactis——————
Devenere locos lætos, et amœna vireta
Fortunatorum nemorum, sedesque beatas:
Largior hic campos Æther, et limine vestit
Purpureo.

It is in this view, Sir,—it is as an atonement for our long and cruel injustice towards Africa, that the measure proposed by my hon. friend most forcibly recommends itself to my mind. The great and happy change to be expected in the state of her inhabitants, is, of all the various and important benefits of the abolition, in my estimation, incomparably the most extensive and important. I shall vote, Sir, against the adjournment; and I shall also oppose to the utmost every proposition, which in any way may tend either to prevent, or even to postpone for an hour, the total abolition of the slave trade: a measure which, on all the various grounds which I have stated, we are bound, by the most pressing and indispensable duty, to adopt.

The question being put on Mr. Jenkinson's motion, "That the chairman do now leave the chair," the committee, divided, Yeas, 87; Noes, 234. The committee next divided on Mr. Dundas's motion, that the word "gradually" stand part of the question, Yeas, 193; Noes, 125. The committee divided a third time on the question, that the amended question be agreed to, Yeas, 230; Noes, 85. Majority 145. The question, "That the abolition of the slave trade ought to be gradually abolished," was therefore carried.—The House adjourned at half an hour after six in the morning.

Debate in the Commons on the Lottery Bill.] April 4. The order of the day for the House to resolve itself into a committee on the Lottery Bill, having been read, and a motion made, "that the Speaker do leave the chair,"

Mr. *M. A. Taylor* said, that, feeling as he did, on the subject of lotteries, it was impossible to withhold his opposition to the Speaker's leaving the chair. If the pernicious effects of lotteries were at all doubtful, he could produce such examples of mischief caused by them, as would convince the most prejudiced man living. His intention, he declared, was to propose a motion for a committee to inquire into the evils resulting from lotteries. If this was granted, the proceeding would be regular and proper, in order that the House might be able to bring the subject to a condition that would enable them to lay it before the public. If any gentleman at all looked at the subject, he was persuaded he would find that much mischief occurred in consequence of the lottery every year. If there was a doubt of it, and he wanted any authority in support of his assertion, he should call on the chancellor of the

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exchequer himself, and he believed he would admit of great part of the evils. He had frequently done so on former occasions, and certain modes of regulation had been adopted to prevent it; but he appealed to the House, whether the evil did not still exist in its utmost force. He read a paragraph from a newspaper, stating, that the grand jury for Middlesex had, at the last sessions, represented lotteries as a grievance, in consequence of the illegal insurances that always accompanied their being drawn. That article, he said, he should think would have weight with the House. He heard stated yesterday the presentment of the grand juries of London and Middlesex relative to this business; and he was sure, that if the House would only have the goodness to attend to the presentment of this evil, they would be satisfied it now existed in its fullest force. He should read two paragraphs, which would be a proof of it. Here he read two paragraphs out of the presentments. He was sure the House would be content with this ample proof of the mischief, and would be convinced it was well worth their attention. A petition had been presented, containing what he had just read, and which the House had ordered to be laid on the table. He wished the House to recollect, that there was a great degree of authority in the presentment of a grand jury; they were not simple individuals, who stated a vague opinion without evidence; they were a set of men whose business it was to perform duties of the most important nature. They had thought proper to make this remonstrance to the House, and he should think this would have its due weight. He could not there call the lottery a nuisance, because the House had authorized it; but the grand jury had called it so in a court of justice. He was not finding fault with the chancellor of the exchequer's regulating bill, because he thought it was impossible to make an act of parliament for the regulation of the lottery, that would not be evaded. But, in defence of lotteries in general, it had been said, that if there were no lottery by law, such was the temper of the people, that they would have a lottery of their own, and therefore it was right for parliament to turn this incurable temper for gaming to the service of the state. If the premises were true, he doubted very much whether he should agree to the conclusion. But the premises were not true. It was the lottery that was the means by which a lure was held out to the public to enter into a spirit of gambling. It might be said, perhaps, that it would be in vain to abolish lotteries at home, unless we could abolish lotteries in Ireland also, for people would gamble there more than they have hitherto done, in proportion as they were deprived of the means of doing so in England. To this he answered, that if the mischief was removed here, with the concurrence of ministers, there existed between this country and Ireland such a connexion, that it would not be matter of difficulty to introduce there, by the officers of government, the same system of regulation. But the last argument was, the facility with which money was raised for the service of the revenue by a lottery, and that it laid no particular involuntary hardships upon any individual. He granted these advantages were considerable, but they had more or less weight according to the circumstances with which they were attended, In the course of a long and expensive war, the argument in favour of raising money by a lottery might have some force, but were we in that situation at present? The chancellor of the exchequer himself had stated the flourishing condition of our finances. So much so, that he had a surplus, part of which he had appropriated as an addition to the fund for the reduction of the national debt, and the other part for the reduction of taxes. He wished the minister had retained the taxes, and abandoned the lottery. He was sure he would, by such means, obtain the approbation of every sober and discreet man in the country. He begged the House to recollect, that notwithstanding all the efforts of ministers, the evils of the lottery were not stopped. Two or three years ago he understood that a lottery was intended only as a fund to settle the claims of the American loyalists, but now it was brought forward as a permanent source of revenue. The institution of lotteries had introduced amongst the lower ranks of people a spirit for gambling, that he did not know how we could get rid of. There were houses in several streets, in Westminster particularly, and adjoining Pall-mall and part of the Strand, where the games of faro and hazard were adapted to all ranks and descriptions of individuals; where persons in a few days or a few weeks might be completely ruined. This was all owing originally to the lottery; for it was that which first infused

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into the minds of the people such a disposition for gaming. It was true that these evils might be removed by the proper exertion of magistrates, but they could not be totally suppressed while the lottery remained, for that always kept alive a disposition to gambling. For these reasons, he thought it his duty to oppose the motion.

Mr. *Rose* said, that the evils complained of formerly existed, he believed to be true, but he had reason to think they existed no longer. They had not arisen from lotteries themselves, but from the illegal insurance offices that had been opened. Those offices were now put an end to, and he hoped effectually. Two or three years after passing the 27th of the present king, doubts were entertained as to the construction of that act, and the commissioners of the stamp office did not know precisely how to act; but on a late occasion, they had taken up persons concerned in illegal insurances, and they were committed to custody by the lord mayor. Those persons had, in consequence, applied to the court of King's bench for their habeas corpus, when the matter had then been solemnly argued in court and it was the opinion of the judges that the lord mayor had acted properly. This had produced a most salutary effect, and from that time he did not think there was one illegal office open. He would not answer for the legal offices, whether they had been guilty of illegal insurances or not; but all he meant to say was, that, as far as he knew, there was not an illegal insurance office remaining. There had, he said, been a number of persons officiating in such offices taken up, and every one of them carried before the lord mayor, who committed them as rogues and vagabonds, agreeably to the language of the law; and they were now suffering confinement. But if the House chose to forego the advantages of a lottery, the Irish parliament might not do the same. But if they should, the hon. gentleman well knew that there were lotteries in Holland and France, and if such a spirit of gambling prevailed, offices of insurance on those lottery schemes might be opened. All that had been said of E. O. tables had nothing to do with the lottery.

Mr. *Drake* said, that whenever any hon. member stood forward to amend the morals of the people, he never should want his support, being an independent man, connected with no party whatever. He was sorry to say that public gambling was the vice and disgrace of the times. A lottery, he had ever considered to be a war evil, and not naturally connected with a peace establishment. Under the auspices of the chancellor of the exchequer, he was persuaded no evils that could be prevented would be suffered to exist. Regulations he thought might obtain to the prevention of insurance. He reprobated the idea of Great Britain in her strength resorting to a lottery because Ireland did; and as to foreign nations, he asked if they were to be ruled by them? The evil, he thought, lay in the country's legislating lotteries, and therefore he would recommend the measure of an inquiry to both sides of the House. Mr. Drake said, he ever did and would support the minister of that House, but his conscience should not be violated. He would act as an honest man. He complimented the minister for his virtues, his sagacity, his prudence and his integrity, and concluded with declaring that he would support him as long as he lived.

Mr. *Hawkins Browne* said, he would not object to the present bill, because it was in some measure an agreed part of the finance of the year; but he hoped there would be no more lotteries, because they certainly did encourage gambling under the sanction of the legislature. He professed himself indebted to Mr. Rose for taking all the pains he could to prevent abuses, but he certainly had not put a stop to all illegal insurances, nor was that, he believed, easily to be accomplished. The hon. gentleman had said, that there would still be lotteries in Ireland, France, and Holland; but that surely was no reason why we should pursue an iniquitous system.

Mr. *Courtenay* could not agree with the hon. gentleman who had considered the spirit of gambling as a public evil. The minister was right in adopting a principle which had for many years been known, namely, that private vices were public benefits. This was a very plain principle, and the more vice was encouraged, the greater would be the benefit derived to the state. Now, for the encouragement of this wise principle, nothing was better adapted than the lottery, and therefore parliament in its wisdom ought to cherish and protect it; and, convinced of the truth of this principle, the ministers had, with the profound penetration and sagacity that so peculiarly belonged to them,

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regularly brought on the lottery, and now made it one of the standing resources of revenue to support a peace establishment. It was a new manufacture for the welfare of the state. It was, however, a little remarkable, that the hon. gentleman who spoke lately, always bestowed the highest panegyric on the chancellor of the exchequer, when he was determined to vote against him. This reminded him of what sir John Falstaff says to the prince—"I am a jack, Hal, if thou hast not put powder in my drink to make me love thee." Except upon some such supposition as this, he could not account for the love which the hon. gentleman expressed to the minister's person, and the reprobation which he threw upon his measures. As to the other hon. gentleman (Mr. Rose), he did not wonder at his defending the lottery; it was perfectly natural for a man, who knew so much of its beneficial effects, and had taken such pains to preserve its purity, that it should not be used for any purpose but for the increase of the revenue, should defend its principle. If there are no longer lotteries here, there will be in France and in Holland, said the hon. gentleman—a convincing argument, certainly that there should be lotteries in England! Another reason he urged for them was, that there were no illegal offices. Upon this he could give very good information from very good authority, if he (Mr. Rose) would be upon honour not to take any advantage of it. If the hon. gentleman had taken the pains to go for information on this subject to proper places, he would never have had any difficulty about knowing whether there were illegal offices, or whether any evils existed; but as he had not, of course he knew much better than those who had, and he was very right in taking advantage of the silliness of the people. He remembered that when Mr. Charles Townshend was minister, and had proposed a lottery, some country gentlemen, who by the by, felt none of the evils of the measure, suggested to him the propriety of having 100,000 tickets instead of 50,000. He answered—"I have calculated the number of real fools in this country, and I find the number is exactly fifty thousand." Mr. Courtenay continued his ironical defence of the lottery on the authority of history. He said, that in Henry's History of England, it would appear that crimes, which were severely punished in certain cases, were rewarded when they produced what was called the good of the state. Thus, for instance, if a man indulged in pleasures of love, he was severely punished; but if he went to a licensed brothel, and there revelled in the sports of Venus with the most unabashed publicity, he was rewarded by the authority of the bishop of Winchester, because his going thither contributed to the augmentation of the revenue of the church. There were houses now in Holland of the same nature; he did not know whether the hon. gentleman had been in any of them, but he himself had, and could speak of them, where two or three stivers were paid for his dalliance. Thus it appeared both by civil and ecclesiastical authority, that private vices had been, and now are, considered as public benefits. As to the hon. gentleman's apprehension that the lottery might be carried on in Ireland if it was abandoned here, it was totally without foundation. Could it be proved to be an evil there, it would not for a moment be thought of as a measure of government. There was a spirit of inquiry gone forth in the legislature of that country which protected virtue and exposed vice in all its deformity. There was a rumour of a sale of peerages there for the sake of keeping up a principle of legislative corruption. An open, candid, liberal inquiry was immediately agreed to on the part of government, and on the fullest investigation, the whole appeared to be without foundation, and the purity of government established upon the clearest evidence—the majority of members. Also the House were so remarkable for patriotism and all the public virtues, that there was not a placeman, a pensioner, or a time-serving sycophant among them; they were the real organs of the genuine voice of the people of Ireland. What, therefore, could be expected from them, but attention to the welfare of the people? The last point was, the certainty of our always having customers for the lottery; and here he begged leave to conclude his speech, by a quotation from Fielding, which might serve as a preamble to the bill,

"A lottery is a taxation,
Upon all the fools in creation;
And Heav'n be prais'd,
It is easily rais'd,
Credulity's always in fashion:
For folly's a fund,
Will never lose ground,
While fools are so rife in the nation."

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Mr. *Francis* condemned the pernicious system of a lottery. Its allurements and evil consequences pervaded all ranks of society, from the highest to the lowest. As every species of gambling tended to destroy the industry, and corrupt the morals, of the people, he thought it his duty to reprobate all acts of that nature. The lottery was an invincible seduction of the human mind, which hurried the weak and the strong into the most deplorable extremities of distress. It was said, that gambling was the vice of the age; but lotteries, he was persuaded, afforded a greater seduction than any other species of gambling; because they held out for a trifling risk, great probable advantages, such as the obtainment of a thousand pounds for so small a sum as a guinea. Recurring to Mr. Pitt's admirable speech on the slave-trade, he bestowed on him the highest encomiums; and hoped that, while he sanctioned the relief of our fellow-creatures abroad, he would consent to remedy a very dangerous grievance at home. It was with the greatest pleasure he recollected the union of the great luminaries of the House in the cause of humanity. It was with the greatest pleasure he saw them proceed, and support each other, in the glorious career. It was a powerful junction, which surmounted every obstacle; and the little lights that arrogantly interfered on the opposite side, were soon lost in the blaze, and put out their petty fires in confusion and shame. On this occasion he likewise hoped for a combination of those wonderful talents, whose exertions in the cause of humanity at home would add lustre to their fame. The illegal insurance offices were innumerable in every quarter. Most of the legal offices gave policies for illegal insurances. The front room was kept for the sale of tickets and legal shares, and the back room for illegal insurances. He knew these to be incontrovertible facts; and the evils were so manifold and so pernicious to society, that he hoped the abolition of lotteries would very soon be adopted. If it was to be the source of revenue for this time only, he would be apt to pass it in silence; but he confessed his apprehensions were greatly aroused, when he heard that the measure was intended to be rendered permanent. It was said, that it was voluntary, and that men need not engage in it, unless they chose it. Mr. Francis denied the fact, and contended that there was no volition in the case. The minister put temptation in the way of the middling and lower class of the people, and, as it were, thereby invited them to do what they otherwise would have no idea of. The great and judicious Pelham, he was told, would never hear of a lottery, especially in times of peace. Most of the convicts that had for some years been transported to Botany Bay, had commenced their career of delinquency by adventures in the lottery; and if we surveyed the gaols, we should find that a multitude of prisoners dated their misfortunes from the same pernicious source. Gambling was a vice, they all knew, which men of the most enlightened minds, men possessed of reason and capable of reflection, could not resist; and how could they expect the ignorant and uninformed, to have the virtue to withstand it, when its captivating allurements were held out to them? What first shook and overturned all ancient kingdoms? profligacy, and a laxity of morals. What in a great degree produced the revolution in a neighbouring country? gambling at court, and a corruption of morals; all manner of profligacy, but chiefly gaming, which was established by government, and countenanced by the court. Why was it so countenanced? For obvious reasons; to engage men's minds, and abstract them from too deeply regarding the conduct of an arbitrary government. In such a government it was policy; but was the case the same here? Exactly the reverse. The court, by its practice, showed no favour to gaming, but at the same time, the legislature encouraged it. In short, it was an evil that ought to be resisted with all the authority with which parliament was invested. He recommended to the chancellor of the exchequer to take this subject most seriously into his consideration.

Mr. *W. Smith* was decidedly against the lottery. He said, that within half a mile of his house there was some time since a lottery office opened. Its baneful effect was soon felt in the neighbourhood. By the exertion of the magistrates it was removed; but afterwards it was opened again; the immediate consequence of which was, that all the lower classes of the people in the neighbourhood were ruined; not a livery servant was left with a shilling.

Mr. *Mainwaring* was of opinion it was not to the lottery itself, but to the manner in which it was conducted, that the evil

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was attributable. He thought that something should be done to alter the mode of drawing. He had lately had before him between thirty and forty miserable people, clerks in lottery offices. Their situation was most wretched; and their wives and children wretched, under the perpetual apprehension of the imprisonment of their protector, which often was the case. If we gave up 50,000*l.* to put an end to the nuisance, he should not think the money lost to the public. If he was sure that the lottery was to go on as before he should consider himself bound to oppose it.

Sir *James Johnstone* approved of the committee. He agreed that lotteries were taxes upon folly, and that they were exceedingly prejudicial to the morals of the people. As the scheme of a lottery was first introduced into Engalnd from Holland, he thought we should adopt the policy of the Dutch, by finishing the drawing in one day.

Mr. *Pitt* said, that whatever difference of opinion might be entertained of the permanency of a lottery, considered as an object of revenue, he should hope there could not be any difference of opinion with regard to the propriety of the speaker leaving the chair: because if any opposition had really been intended to this bill, it should have been taken at an earlier opportunity. Parliament had in some degree sanctioned it. They had passed both the bills for repealing taxes, and for the appropriating the remainder of the surplus of the year towards the reduction of the national debt, and it must be remembered, that as in the ways and means of the year 300,000*l.* had been calculated upon from the lottery, taxes to that amount must now be raised upon the public, or the lottery must be allowed. He hoped the House would feel the necessity of adopting the lottery for the present year. At least at present he did not see any reason why it should be relinquished as a permanent measure. He should not have proposed it, if he thought it tended to pervert the morals, or destroy the industry, of any class of individuals; but of this he had heard no evidence. As to illegal schemes, so far was the lottery from depending upon them, that he wished them entirely to be abolished; he should have that wish if he had nothing in view but the prosperity of the lottery, for he was clearly of opinion that illegal schemes operated to the injury of the sale of tickets. As to the drawing of the lottery in a much shorter time, that, and many other schemes, had been proposed to him, but none that he had hitherto seen, appeared to him to be such as could be adopted. If any scheme should be hereafter proposed to him that would separate the evil from the good, so as not materially to diminish the advantage arising to the revenue from the lottery, he would be very glad to receive and adopt it.

Mr. *Sheridan* said, the subject had been so fully discussed, and so ably argued, that he should not have spoken, but from what had fallen from the right hon. gentleman. He had expected, that the right hon. gentleman would have sat silent and abashed, conscious that he could not advance a single argument in favour of a practice so destructive and mischievous, as raising revenue by lotteries. The right hon. gentleman, from what he had said, seemed to think the wisest way to get rid of this evil was by degrees. On the contrary, Mr. S. said, he was for an immediate, not a gradual abolition. The right hon. gentleman had said, the drawing could not be shorter than usual, because the bargain was struck; he agreed with the right hon. gentleman that they must keep to their bargain; but was not what the right hon. gentleman had said, an argument against having any lottery at all? An hon. gentleman had said, if we had no lottery, Ireland would have one. Did not every body know that a lottery in Ireland was a measure of the government, and if the chancellor of the exchequer of Ireland did not move a lottery as a part of the finance of the year, the government of Ireland would institute no lottery there? The whole, it was well known, depended on the government here. The minister said that all the measures of the ways and means were already brought forward; that was very true; but the House were not bound to give him discretionary power over measures that appeared unwise. If the minister must have a discretionary power over 300,000*l.* the better way would be for the House to vote him that sum of money to be raised on exchequer bills; and in the mean time to suspend the lottery bill, until an inquiry should be had into all the abuses which had been so well described. Here Mr. Sheridan recounted many of the evils of the lottery, as they came to his knowledge, when on a committee upon that subject. At first they pawned ornaments and superfluities; then furniture, that could the most easily

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be spared; at last, came their beds, implements and tools of trade, the very clasps of their children's shoes, and the clothes of the cradle. He believed there was not any thing in this metropolis, that gave such pangs of affliction to the human heart, as the lottery. In short, the pawnbroker had declared, he was at last ashamed of his profession, from the wretchedness it enabled him to witness. Mr. Sheridan, on the whole of these considerations, advised the giving up of the lottery altogether, and said, the profits might be supplied by issuing exchequer bills to the amount of 300,000*l*. He hoped therefore the bill would at least be suspended for the present.

Mr. *Pitt* observed, that if the 300,000*l*. should be granted instead of the lottery, it would be neither more nor less than either borrowing that sum on these bills, and raising it afterwards by new taxes on the people, or that it should be deducted out of the sum already appropriated for the reduction of the national debt. The tickets of the present lottery had been sold: the purchasers had made their deposit; the property they purchased was transferrable, and may have been transferred, and therefore what was proposed by the hon. gentleman was impracticable.

Mr. *Windham* was decidedly against all lotteries upon all occasions, except the most pressing state necessity. They were always bad measures of finance in all points of view in which they could be taken. The gain upon them was not clear gain, for they impoverished the person who had dealings in them, and in proportion as he contributed to the revenue in this way, he was incapacitated from contributing in other ways; and although it was true, that, as a voluntary thing, parties dealing in it could not complain, yet the poverty which this occasioned, introduced discontent with regard to other points of revenue, and therefore the idea that this was one of those taxes which did not create discontent in the people against the imposts of government was futile.

Mr. *Pitt* said, he retained his former opinion, but admitted the necessity of an inquiry in this case, and if it appeared that the advantage to the public could not be separated from the evil, and that the evil was such as had this evening been stated, the lottery in future ought to be abandoned.

Mr. *Fox* said, there were two points to be considered in this case; the first related to the difficulty of entering into the question now, and the other as to the expediency of having a lottery. With respect to the first, he declared freely that he had not the shadow of a difficulty on it. It was upon the second the difficulty had arisen. He had reason to complain of the general system which was adopted by the minister upon the business of finance. He proposed that the surplus which he boasted of should partly be applied to the reduction of taxes, and partly to the reduction of the national debt. It was ungracious to oppose this, and parliament agree. Then when the ways and means came to be brought forward, a lottery is brought forward as one of the measures of finance. The House disapproves of that measure; the answer is, "I have made the bargain with the purchasers of tickets—the public faith is pledged." By-the-by, it was pretty bold to call a bargain made by the dealers of lottery tickets with an individual, a pledge of public faith, before the House had agreed that there should be a lottery. Then we were told, that unless this was agreed to, other taxes must be imposed. Why, so they must certainly, or the lottery must be agreed to. But the complaint was, that these things were done without the previous concurrence of the House. The House was called on only to ratify the bargain of the minister; whereas, if the House had been allowed to exercise its proper functions, it would have preferred the continuing of the taxes that were now repealed to the imposition of the lottery. This was not using the House well; it was taking away its deliberative capacity. As to lotteries themselves, he had sometimes, in cases of emergency, thought them a mode, (not a very good one), but he had thought them a mode by which money ought to be raised for the service of the public. But from conversation which he had lately had with some families, and the various accounts he had heard of the evils of a lottery, he was induced in some degree to change his opinion. He concluded with assenting to the inquiry, and saying, that under the particular circumstances of the case, he should not think of taking the sense of the House, on the question of the Speaker leaving the chair.

Mr. *Pulteney* said, he had ever considered a lottery as a measure to be resorted to only in war and in exigencies of state. The right hon. gentleman had said,

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that the lottery relieved the people from taxes; but he would ask, was not the lottery a tax in which their payment was voluntary? It was the nature of all the taxes to be so; if people did not choose to pay the taxes they did not consume the article taxed. A lottery was the worst sort of tax, as it injured the morals of the people. He was glad the right hon. gentleman was not against the proposed inquiry.

Mr. *S. Thornton* disliked lotteries, and should in future give his opposition to them in every stage.

Mr. *M. A. Taylor* said, his object had been to get rid of lotteries as a permanent system of revenue; therefore he should not persist in his objection as to the present lottery.

The bill was then committed.

Petition for an Inquiry into Abuses committed at the Westminster Election.] Mr. Fox presented a petition from several electors of Westminster, setting forth, "That the petitioners observe with regret, by the votes of the House, that a motion was made on Tuesday, the 13th of March 1792, for an inquiry into all abuses committed by persons in office at the election for a member to serve in parliament for the city of Westminster, in July 1788, as far as the same related to penalties incurred under the excise law and lottery act, which motion was rejected: that George Smith, a publican in Westminster, was in the year 1788 convicted, on the prosecution of the attorney-general, in the sum of 50*l.*, for brewing beer for sale without a licence, and that the prosecution was officially conducted by John Vivian, esq., solicitor to the board of excise: that in October 1788, the said George Smith was employed by George Rose, esq., secretary to the treasury, as an emissary and agent, in favour of lord Hood, one of the lords of the admiralty, at that time prosecuting a petition in this House against lord John Townshend, the successful candidate at the election for Westminster in 1788, and that the said petition was tried before a committee of this House in the months of April, May, and June 1789: that in the month of January 1789, George Smith applied to the said George Rose, stating the particular circumstances of his case in a petition, and praying to have the penalty he had incurred remitted; that the said George Rose, esq., did forward the said petition to the chairman of the board of excise, and did afterwards send a letter to the secretary, desiring as a favour that all proceeding on Smith's penalty might be stopped till the chairman, who was at that time absent, returned to town: that on the 8th of April 1789, the said George Rose did write to the said George Smith in these words; "Mr. Rose desires Mr. Smith will call on him in Old Palace-yard to-morrow morning at 8 o'clock, as Mr. Vivian will then be there:" that the secretary of the treasury, in thus procuring a secret interview, early in the morning, at his own house, between the solicitor to the board of excise and the convicted defendant, acted in a manner highly suspicious: that, from the nature of the transaction, it is difficult to know what passed at such a clandestine meeting, but it appears, by receipt from the excise office, signed "John Vivian," that no part of the penalty incurred by the said George Smith was levied before the 14th of May 1790, being a respite of above thirteen months from the time of the private interview at Mr. Rose's house: that during the first part of those thirteen months the said George Smith was extremely useful to the treasury in forwarding the interest of lord Hood, the unsuccessful candidate, and, during the latter part of the period, extremely troublesome to the treasury in demanding to be paid for his services: that the excise penalty appears to have slept while he was an election agent, and only became active when he showed himself in the shape of an unsatisfied creditor: that the said George Smith, being unable to procure from the secretary of the treasury payment of his bill for his said election services as his agent, brought an action against him to recover the amount: that the said action was tried, in the month of July 1791, before the lord chief justice of the court of King's-bench, by a special jury, who, by giving a verdict for the whole demand of the plaintiff, did thereby declare themselves satisfied that Smith had performed election services against lord John Townshend at the request of the secretary of the treasury; and that the said action was defended by the solicitors to the treasury: that, in the course of the trial of the said action, the following material evidence was given upon oath by the solicitor for lord Hood; viz. "That Mr. Rose had, while the petition against lord

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John Townshend was depending, assured him he might trust Smith, because there was a prosecution going on against him in the excise, and, as a mark of the trust and confidence they had in him, they had interfered, and stepped in to serve him;" and that the said evidence was uncontroverted upon the trial, and has been since circulated in a printed statement, for above eight months, without refutation: that the above-mentioned proceedings do appear to the petitioners to warrant their opinion, that Mr. Rose, by using that influence with the board of excise, and its solicitor, which his situation as secretary to the treasury afforded him, has endeavoured, as far as in him lay, to apply the penalties, provided by act of parliament for the punishment of frauds upon the revenue, to the corrupt purpose of establishing an undue influence in the election of a member of parliament: that the petitioners, considering the great and increasing extension of the excise laws, and the number of individuals subject to their operation, cannot but entertain the most alarming apprehensions of danger to the freedom of election, should the influence, which administration must necessarily have in the execution of those laws, be made use of for the purpose of corrupting or intimidating the minds of the electors of this kingdom:—that John Hoskins, having been arrested on the affidavit of the solicitor of the lottery, and being a prisoner in the King's-bench prison for penalties to the amount of 700*l*., incurred under the lottery act, did offer to the said solicitor, who at the time was acting as agent to lord Hood, to procure sixty votes for the said lord Hood, in consideration of his release from prison: that the solicitor of the lottery declined complying with the said proposition until he had consulted higher authority, and that, after a short interval of time, the proposal was accepted, and, on the said Hoskins having procured sixty persons to vote for lord Hood, the said Hoskins was actually discharged from prison on bail notoriously insufficient; that the expense attending the putting in and justifying such bail so notoriously insufficient, was, in part, defrayed by lord Hood, a candidate at the said election, and one of the lords of the admiralty: that the petitioners have reason to believe that this transaction would have been traced to persons of higher authority, and that other instances of equal enormity on the part of the servants of the crown, in the said election, would have been proved, had an inquiry been granted:—that the said petitioners, taking into their consideration the above circumstances, anxious to maintain the freedom of election thus daringly invaded, to prevent a misapplication of the public money, and to preserve from abuse powers which, even in the purest exercise of them, must be considered as dangerous, but which, if misapplied, would become absolutely destructive to the liberties of the people, do consider a parliamentary inquiry as necessary to secure the constituent body of this kingdom in the free enjoyment of their constitutional privileges, and to preserve the independance of the House of Commons: and therefore praying the House to take the several matters above mentioned into their most serious consideration, and to institute a solemn inquiry into the truth thereof, and to grant unto the petitioners such relief therein as to the House, in its justice and wisdom, shall seem meet."

The petition was ordered to lie on the table; and Mr. Fox gave notice that he would soon after the holidays call the attention of the House to the subject.

Abolition of the Slave Trade]. Mr. *Wilberforce* rose to ask Mr. Dundas, what he intended to do in consequence of the resolution adopted by the House respecting the slave trade? Had the proposition which he had moved for the immediate abolition of that trade, been so fortunate as to meet the approbation of the House, he could not be under the difficulty which he felt at that moment. But as the right hon. gentleman had moved an amendment, for substituting the word "gradual" for the word "immediate," and as that amendment had been carried, it was fit that he should now come forward, and state what he intended to do.

Mr. *Dundas* said, he did see that it was in any degree necessary that he should now declare what were his intentions on the subject. The hon. gentleman could bring in his bill upon his own principle for an immediate abolition; and when it was before the House, such alterations might be moved, as would give it all the operation which the resolution voted by the House was calculated to give to it.

Mr. *Fox* said, the right hon. gentleman was the best judge of his own intentions; but so fully was he persuaded of the ge-

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neral wish of the House, to take immediate measures for the abolition, in some shape or other, and so fully convinced that those who voted for the gradual abolition were in earnest, that he thought a bill to that effect would have been brought in before the breaking up of the House on Tuesday morning. Now, for the first time, he was given to understand, that they meant not to pursue their own resolution, but to leave it to those who had voted against it. But how could they proceed upon it? The House had amended the motion for immediate abolition, by inserting the word "gradual." How could the hon. gentleman who moved that resolution, or he who supported it, frame a bill on a resolution substituted for it, which they had opposed with all their power; and of which, notwithstanding the decision of the House, they could not approve? They thought immediate abolition the only practicable remedy. How, then, could they pretend to act on other men's ideas, and to follow up a principle, the practicability of which they did not understand. Those who proposed and supported a gradual abolition, knew, or thought they knew, the means of carrying it into effect, and it was their duty to do so. If they did not, they had deluded and misled the House. The resolution they had come to would be a disgrace to the House, and an insult to the country. Many who had voted for the gradual abolition, would doubtless have voted for the immediate abolition, had not the former been held out to them, as the safer and more practicable course. If the right hon. gentleman did not follow it up, some one of the majority, who voted for it, surely must. If no man would undertake it, the business should not drop. Means must be taken to enable the hon. gentleman, who moved the immediate abolition to pursue his own measure. It was supported by the general sense of the country, and by persons, from their situation, of the greatest authority in the House, who had added to their former fame by their brilliant display of talent in Monday's debate, and with such support it must ultimately succeed.

Mr. *Dundas* was surprised that the right hon. gentleman should impute to him any share in a juggle, the object of which was to disappoint the wishes of the people. It was his most sincere desire to concur in any measure which should combine the expectations of the people with their interests. That the slave trade ought to be abolished, he had already declared; but he believed that any other than a gradual abolition would be attended with bad consequences to the public. When he delivered his sentiments on this subject in a former debate, he had sufficiently suggested to the House, that in his opinion, the co-operation of the legislatures of the West India islands would be absolutely necessary to give effect to that mode of abolition which he conceived to be the most eligible. Of that opinion he was still; and though the British parliament might take steps in the business, the abolition never could be rendered effectual without the concurrence of the houses of assembly in the different islands.

Mr. *Fox* maintained that this was trifling with the public and with the House. The people had a right to hear, at what period the trade, which the public voice had stamped with the name of infamous and inhuman, was to be abolished. The right hon. gentleman was now referring them to the legislatures of the different West India islands; and when that desirable event would be accomplished Heaven only could tell, if ministers were to be suffered to remain supine and inactive, regardless of the wishes of the nation. But whatever they should, or should not, do, he was determined to do his duty; and having embarked in a cause in which he was supported by justice, humanity, and the public opinion, he would not desist, until he saw it completely triumphant. With this determination, he would avail himself of every opportunity, which the forms of the House would allow, to bring on again and again, the discussion of the question of the slave trade, until he should have the satisfaction of seeing it receive its death blow from an act of the legislature. Having said this, he moved, "That this House will upon the 18th instant, resolve itself into a committee of the whole House, to consider of measures to be taken for the abolition of the slave trade carried on by British subjects for the purpose of procuring slaves from Africa."

Mr. *Wilberforce* seconded the motion. Not a moment, he said, was to be lost; whilst the House paused, the work of death was not suspended on the coast of Africa. *Deliberat Roma, perit Saguntum* —whilst parliament was deliberating, thousands of wretched Africans might be butchered; the happiness of families

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might be destroyed for ever: and war kindled up by avarice, desolate whole nations.

After a short conversation the motion was agreed to.

The Speaker's Speech to the King on presenting the Duke and Duchess of York's Establishment Bill]. April 5. The Black Rod having been sent to command the attendance of the House in the House of Lords, the Speaker made the following speech to his Majesty:

"Most Gracious Sovereign;

"It is my duty to tender to your majesty two bills, in the name, and on the behalf of, the Commons of Great Britain, in parliament assembled.

"In pursuance of your majesty's recommendation, your Commons chearfully proceeded to make a provision for the establishment of their royal highnesses the duke and duchess of York; and they trust that the bill which they have passed for this purpose will fully manifest their just sense of what is due to the rank and dignity of their royal highnesses, as well as the satisfaction they derive from an event which, whilst it promotes the comfort and happiness of your majesty and your illustrious family, is also materially conducive to the interests and honour of your people.

"Other objects, no less interesting to your majesty's mind, constantly directed as it is to the welfare of your subjects, have also engaged the attention of your Commons. The prosperous and improving condition of the public revenue, and the reductions which have been found practicable in the naval and military establishments, afforded the means, of which your Commons thought it their duty to avail themselves, of making a large addition to the fund, to be applied in the course of the present year, to the reduction of the public debt. Their conduct upon this, as upon other occasions, was governed by the conviction, that the efficiency and success of the plan, which has been established by parliament for this important purpose, must essentially tend to the future ease, and permanent security of these kingdoms. In the adoption of these measures, your Commons have felt peculiar satisfaction, by finding themselves enabled, at the same time, to give some immediate relief to your majesty's subjects, whose firmness in sustaining the burthens, rendered necessary by a due regard to the maintenance of public credit, and whose spirit of enterprise and useful industry, have so effectually contributed to advance to the pre-eminence they have attained, the general interests and prosperity of the empire.

"Your Commons, Sire, contemplate with just satisfaction the continued and progressive improvement in the internal situation of the country. To preserve, augment, and diffuse the blessings of which we are in possession, they consider as the most important of their duties; and, actuated by this principle, which comprehends a zealous and firm attachment to the form of government under which we live, and a faithful and vigilant attention to the interests and happiness of all classes of their fellow subjects, they are persuaded that those measures, which are the result of it, cannot fail to receive your majesty's most gracious approbation."

"The bills, which I have in my hand, are severally intituled, 'An act to enable 'his majesty to make provision for the establishment of their royal highnesses the 'duke and duchess of York and Albany, 'and also to settle an annuity on her 'royal highness during the term of her 'natural life, to commence from the decease of his said royal highness in 'case her said royal highness shall survive him:' 'An act for granting to 'his majesty the sum of 400,000*l.* to be 'issued and paid to the governor and 'company of the bank of England, to be 'by them placed to the account of the 'commissioners for the reduction of the 'national debt.' To which your Commons, with all humility, entreat your majesty's royal assent."

The above bills accordingly received the royal assent. The Speaker having returned from the House of Lords, reported to the House that the bills had received the royal assent, upon which Mr. Pitt moved, "That the Speaker be desired to print the said speech."—Ordered.

Middlesex Justices Bill.] April 17. Mr. Dundas having moved the second reading of this bill,

Mr. *Mainwaring* observed, that this was a matter of very great importance to the public. It was proper that gentlemen should understand what the bill was, and that it should be discussed in a full House.

Mr. *Dundas* observed, that, as the hon.

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gentleman who had introduced the bill was now absent, he had brought the subject forward. It was a bill, on the principle of which, he believed, there could not be much difference of opinion; or, if there should, ample opportunity would be given for the statement of these objections; for he would propose that it should not be committed until the 25th.

Mr. *Mainwaring* said, that on looking over this bill, he could not see that much advantage could arise to the public from it in its present state. He thought it might do some good, but a great deal of mischief. It was true, that the office of justice of the peace, for part of the metropolis, wanted regulation. He wished that the practices of some of these justices should be corrected; they did some harm, and yet they did some good; but this bill did not appear to be calculated to remedy the evils that were most to be complained of. He wanted to strengthen the arm of the magistrate to suppress vice. That was not done by this bill. Another objection occurred. It was a bill for all the metropolis, which was much too extensive to be benefitted by the bill in question. No power was given them to be active; they were to wait for persons to come and exhibit their complaints. If so, he was sure it would be of great disservice. No care would be taken to suppress robberies. They should, at each office, have at least ten men for this purpose; for in this way they would have a great number of persons to apprehend. They were passing a law without having any security of the effect of it; for it pointed out nothing for the magistrates to do of their own accord, but merely that they should take cognizance of things brought before them. He wished to know on what foundation the offices were to proceed. Were they to be something similar to that at Bow-street? He owned he should in that respect like them. But this seemed to be a bill founded on the policy of the present administration, instead of being on a general principle. If so, any future administration might change it; or it might be changed by the same administration on different circumstances. He wanted the people to know what system of policy they were to have. The plan was shown to him some time ago. He said it was a cold, feeble measure, that might do some little good, but a great deal of mischief. The author of it had said, he should like a bill of more general extent in its principles; but that he was afraid, if he brought it forward, government would not assist him, on account of the expense of a complete system. Mr. Mainwaring said, he was pleased to see the right hon. secretary second the motion for leave to bring in a bill, for he was in hopes of seeing a solid system of policy brought forward, better than we now had; but that hope, on perusing the present bill, was quite vanished. With regard to the expense of the bill, he understood that it was expected, by those who penned it, that such expense should be defrayed out of the fees taken at the offices, for penalties imposed on certain persons offending against various acts of parliament. If they relied on those penalties, they would certainly be deceived; and if ever they should stretch that principle, in order to make the penalties answer the expense, the bill would, so far from being a benefit, become a nuisance. With respect to the number of offices to be appointed for carrying on the object of the bill, he confessed he saw great objection. Five offices he thought too few for any thing like convenience to the inhabitants of the metropolis. Those of Mary-le-bone, a large town of itself, must all come to an office at Soho. The inhabitants of St. Pancras were to go to Islington: but, above all, the inhabitants of the east part of the metropolis, were to have but one office. This he was sure was quite inadequate. There was no part of the king's dominions that required greater vigilance and ability in a magistrate, than this part did. They were a hardy, laborious race of men, but who, from the roughness of their habits, were desperate, when they were either misguided by their own desires, or misled by others. In short, the bill, in this respect, was deplorably defective. There was also no regulation made in the bill for alehouses. The last observation he had to make on this bill, was the manner of appointing magistrates. It would give to the crown a prodigious deal of patronage, and that too in the most exceptionable way.

Mr. *Dundas* observed, that the first part of the hon. gentleman's objection could hardly be said to be fair. It was a complaint that the bill did not go far enough in granting power to the magistrates. This the House would do him the justice to recollect he mentioned at the time the business was opened. The hon. gentleman had misconceived the nature of this bill,

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if he thought that the whole of the police of this metropolis would be changed by it. The power of all the different magistrates would remain as entire as if this bill had never been thought of. It did not infringe on the different powers of the magistrates to enforce good order. It only appointed certain offices, at which public business should be transacted; and that no fees should be taken at any other office. As to the objection against the magistrates being paid out of the money taken at the office, there really was nothing in it; the case was so now; the only difference was, that now fees were taken for the support of the magistrates, whereas, by the bill in question, the penalties levied would go to a fund, out of which the magistrates would have fixed salaries. If this should hereafter appear improper to the House, it could be altered in the committee. As to the objection, that the bill was not extensive enough, that was a point to go to a committee, but could not be an objection to the bill itself, the professed principle of which was to correct abuse in the conduct of trading justices. Indeed, he did not mean to say that the bill was sufficiently extensive, and he was inclined to think it should be made more so. The borough of Southwark might be brought under the same regulation. With regard to the question of patronage to the crown, he could not see what alteration this bill made in that respect; for he understood that, at this very moment, the sole appointment of all those who hold the commission was in the crown; and he wanted to know how the magistracy of this country was to be carried on but in this way? If it was wrong, that would be matter for future consideration; but he protested he did not see what alteration for the better could be made in that respect. However, there might be many things thought of in the committee.

Mr. *Fox* said, he did not object to the bill now, understanding that it was to be discussed on a future occasion. He had not had all the instruction he wished to have from his constituents on this subject. But as the bill appeared, there seemed to him to be two objections to it; one, that it would do no good whatever. the other, that it was likely to do some mischief. He did not know whether the objections taken to this bill were unanswerable or not, but he was sure they had not been answered; and therefore he should be glad that another discussion should take place, in order that the promoters of the bill might have an opportunity to improve their arguments. With regard to the patronage which this bill was supposed to create, it would certainly add weight to that which, in his opinion, was already much too heavy. The magistrates who were to act under this bill, were to be appointed by the king; they were offices of profit, for there were to be salaries given. Now this was patronage, and patronage of great consequence too; for, although the king had the appointment, the whole management of it was under the immediate direction and control of the minister, who had also the appointment of these trading justices. Now, he wished to know what the security was which the public had that any benefit whatever would result from this bill? What security was there that he who appointed these trading justices, who were now said to be unworthy of their station, would appoint men of better character or capacity to succeed them? There was the same appointer to both, with the same motives to influence his appointment; namely, patronage. He did not think it in the least degree likely that these persons would be better than their predecessors.

Mr. *Wilberforce* observed, that what the justices received now, they received out of fees; whereas hereafter their receipt would not depend upon fees, but on a stated salary, which led to independence, and consequently it was fair to expect that their conduct would be better.

Mr. *Fox* observed, that this could make no difference in the character of a person at the time of his appointment; nor did it convey any idea of security to the public, that none but fit persons would be appointed.

Mr. *Pitt* observed, that, as it now stood, the crown had the appointment of the magistrates. After they were so appointed, they were liable to the temptation which receiving fees threw in their way, and it was by these fees they subsisted. By this bill the crown would have the appointment; but afterwards the persons appointed would not be under any temptation on account of fees, because they would be supported by a regular salary. If they acted improperly, they would be dismissed.

Mr. *Sheridan* observed, that the busi-

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ness now before the House—the justices trade—had long occupied his attention. He had more than once, with a gentleman of the law, thought of something like a plan for its regulation. But the point at which he had always been checked, was the consideration of undue influence. He could not hit upon a plan that would prevent the thing from being or becoming a job. All the systems of regulation, which he had seen in this respect, were nothing more, and he was afraid never would be, than a job. As to the remark, that they would be dismissed from their offices, if they did not act right, he feared the security in that respect was not very solid or satisfactory to those who wished to see the magistrates independent. He thought they would lose their offices if they voted wrongly at an election. And so no doubt they would, if they procured votes by remitting the penalties of the lottery act—or excused an elector, or an election agent of a court candidate, part of an excise fine for election services. Care, no doubt, would be taken they should act with integrity in those cases. To be serious, he was convinced that this system of police was nothing more than a system of influence.

The bill was read a second time.

Debate on Mr. Sheridan's Motion relative to the Royal Burghs of Scotland.] April 18. Mr. *Sheridan* rose, agreeably to the notice he had given, for the purpose of bringing forward a motion relative to the Petitions before the House from the Royal Burghs of Scotland. He entertained sanguine hopes, that, during the recess, gentleman had turned their consideration to the subject, and that the effect of such consideration would be their admission, that what he should offer was a measure which could not be opposed. He hoped that when gentlemen recollected the whole of the subject now brought forward, they would not offer an insult to a body of men whom he had the honour to support on the present occasion. Were the House now to reject the solicitations of the petitioners, who prayed most ardently for an inquiry, the contemptuous treatment must be considered as the greatest insult to a very respectable description of men, recorded in the proceedings of parliament. — For the purpose of refreshing their recollection, he would state the real situation of the business. Some years since a number of petitions from the royal burghs of Scotland, unanimously pointing out grievances, and seeking redress, were presented to that House. The number of royal burghs were in all sixty-six, and at that time fifty of them were uniform in their complaint. These composed also a great part of the rank and dignity of it. Persons thus situated, and thus complaining, were worthy the attention of that House, and most particularly that of the right hon. gentleman (Mr. Dundas). These petitions stated the general mismanagement, misapplication of money, dilapidation of property, and various injuries and grievances sustained by them in consequence of the usurped authority of certain self-elected magistrates in these burghs, and that to these complaints there was at present no redress under the law of Scotland: that they had sought for redress, but were unable to obtain it. Upon this he was clearly of opinion, that the only application they could make, was an application to parliament; for he maintained that it was clearly a decided point, that there was not now a court of competent jurisdiction to afford relief to these complainants. If that was the case, the application to parliament was correct and regular. This was denied by gentlemen on the other side. Here the parties were at issue. The point now remaining to be tried should be submitted to a committee of inquiry. If they could prove these facts, they would immediately fall under the wisdom of parliament, to have that redress which was due from its justice. Three sessions ago he presented a bill to that House, with a view to have these complaints removed. The bill was read a first time. When it came to a second reading, he then pledged himself to prove every allegation in these petitions. The gentleman opposite to him said they were grievances of great magnitude. They admitted that, if they could be proved, redress ought to, and should, be granted; but they said he was irregular in his application, and that he ought to institute a committee of inquiry, and if he proved his facts, redress must follow. Upon this he withdrew his bill, conceiving that then he was at issue with them upon the facts of these grievances, and that, if he proved them, redress would follow. He then proceeded, he said, to the establishment of these facts, for which purpose he caused copies to be made of all the charters of these burghs, and all the setts. He

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sought for the accounts of the public property, and all alienations, &c. The next session only a part of these was produced, some of the burghs being deficient in that respect; afterwards, however, the whole became complete. Last session the whole came before the House, and it was proposed to go into a committee of inquiry upon the whole case, that facts might be ascertained, in order to ground the future proceedings of the House. Upon this the right hon. gentleman did not pretend to deny these facts; nor had he (Mr. Sheridan) an idea in his mind, that the right hon. gentleman harboured a thought of insulting the people of Scotland so grossly, as to say to them, "Now you have collected your proofs, and have made yourselves ready to submit your case to the House of Commons, you shall not be heard: I will not now consent to inquire; you shall be defeated: I was only jesting with you: now I tell you plainly, the whole of my apparent frankness was a mere mockery on you." Nothing of this kind was said, or conveyed, last year. On the contrary, there was an implied assent to the inquiry, only it was then stated to be too late in the session. Upon this principle, and seemingly fair prospect of ultimate success, a motion was made, on the 27th of May last, and the House entered into a Resolution, that the House would, early in the next session, take into consideration the state of the royal burghs. Here it was evident that it was the intention of the House to go fairly into this inquiry. This could only be done in a committee, and to refuse a committee, was to refuse every thing that could relate to the subject. He called on the right hon. gentleman, not only from the duty he owed to the people of North Britain, but also from a sense of personal honour, to consent to this inquiry. He did not expect he should hear, that it was not now early in the session: it was too mean a quibble to be attended to for a moment: it was too paltry an excuse to merit an answer. It was, in his opinion, a futile argument to maintain, that the proposition was brought forward at a late, instead of an early, period of the session. The most important reforms which had ever been agitated in parliament, were proposed at a late period of the session. At what time did Mr. Pitt produce his proposition for a parliamentary reform? at nearly the end of the session. When did Mr. Dundas himself bring forward his proposition for the gradual abolition of the slave trade? at nearly the end of the session. The claims of this great body of men must be attended to by the House. What did the right hon. gentleman mean to do with the pledge of that House, when, instead of submitting to inquiry, or stating, by argument, any principle of justice on which the inquiry could be refused, he sheltered himself under flimsy evasions, and petty cavils? The fact was, he knew that inquiry would produce truth —truth would demand justice — justice would be fatal to the cause of the right hon. gentleman. He was ashamed to have his cause exposed: but let him remember, he was vigilantly watched in England, and would be faithfully reported in Scotland; and that, if he thought these petty shifts would pass upon the people of North Britain, he was deceived in them, and did not know them so well as he thought he did; nor would he be sure of the continuance of their favour. The other objection was a little curious. He meant that the other party called on him to show a specific remedy to the abuse he complained of, before the House should enter into this inquiry. Now, on his having produced his bill for a reform of the boroughs, the right hon. gentleman had said, "Don't produce your remedy till you have established your grievance." Now that was the very thing; for, before he asked for a remedy, he proposed, in a committee of inquiry, to prove his grievance: and if he failed, he would be content to abandon his application for the remedy. But it was too ridiculous to call upon him to show his grievance, if they refused him the only means by which he could show it; and, in refusing, pretended to say that the refusal was because he did not specify his remedy. But this was not all: he had, in fact, produced the remedy; it was specified in his bill; and the principle of it was admitted in the debate on the second reading; and the only reason then given for not passing the bill was, that first there should have been established a proof of the grievance. He was willing to go farther, he would state what the object of his bill was now. It was to abolish the self-electing power of the magistrates in these boroughs; without which nothing like justice could be done to the body of the people who complained; for all attempts at palliation would be fruitless.—He had heard it said, that there were such grievances in England as well

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as in Scotland. Was that any reason for giving redress to neither? Was justice to be defeated by a community of oppression? If he was to be asked, whether there was any abuse in the boroughs in England, he was ashamed to confess he had no doubt of it: but he must follow up that confession with an observation, that, when any extraordinary misapplication of the property of a borough took place in England, there was something like a mode of inquiry into it possible; but that was not the case in Scotland—there there was no court of judicature known, which could enter into the inquiry.

Supposing for a moment, that there was no court in England competent to enter into inquiries of the abuses of officers in boroughs, and that great abuses were stated to exist in three fourths of the whole kingdom, what would be the fate of a motion in that House for a committee of inquiry? Would it not be granted? —most willingly and eagerly. Why should the case be different with regard to Scotland? He did not think that the people of Scotland should be treated in that way. The right hon. gentleman particularly should not treat them so; he ought to know them better, than to think they would for ever bear such insults. Let but the truth appear; and he would pledge himself if the committee was granted, that not one of the allegations in the petitions would turn out to be false, but that all the abuses of which they complained would be made manifest.—It had been asserted by the right hon. gentleman, that there were in Scotland courts competent to take cognizance of the grievances specified in the petitions. He did not wish to give his opinion on the law of Scotland, without first having consulted the opinion of others, who were much more competent to decide on that case than himself; but he had consulted a gentleman of great legal knowledge on that subject, and the result of that consultation was, that there was not any court of judicature that could take cognizance of the grievances stated in these petitions. How was this point to be settled?—by inquiry. If it should afterwards be found, that there was any competent jurisdiction for the hearing of these complaints, and, on proof, redressing them, then the petitioners should be sent thither, but it was ridiculous to refuse to hear whether the case was so or not, merely on the assertion of any individual, who wished to stifle the inquiry. He stated, that he wished for nothing to be granted in consequence of this inquiry, even supposing him to prove the abuses stated in the petitions, but what was granted in the different charters, and which had been defeated by abuse having grown into usage; and now in Scotland usage was made paramount to all law. It was not, therefore, favour that he was asking, it was justice; it was not to introduce any new mode, but to introduce an old one; it was to reform abuse.—Of late it had become a fashion to decry every thing in the nature of reform. It was carried so far as to become a principle in support of general oppression; this brought on a temper that would hardly hear of any thing like reform. Opinions were entertained that reform led to innovation, innovation to revolution, revolution to anarchy and disorder, and therefore a door should not be opened to reform. No man, who knew the spirit of the constitution of this country, could support this sort of principle. It was the glory of our constitution, that it contained a principle of reform in its very nature; and we had at this day nothing in it that was beautiful, but what had not been forced from tyrants, and taken from the usurpations of despotism. What was the history of our constitution but an eternal series of reform? The privilege of reform was the greatest blessing which the people of England enjoyed. By reform they had invigorated the constitution. By reform the people had in numerous instances destroyed oppression and tyranny; and by the spirit of laudable innovation, the greatest benefits had resulted to mankind. Reform was therefore the very essence of the British constitution; and he who maintained contrary doctrines, avowed sentiments inimical to the divine principles of liberty. But there was something, it was said, in the present times, that should deter us from thinking of reform now, and that was, because there had been a revolution in France: there was a time when some persons thought that nobody should even allude to it; that it was unsafe, and almost indecent, to mention it; and that it was an impious mystery, not to be touched on. This delusion, however, no longer existed. The glorious event met our eyes in every corner; it infused its benign influence through all our avocations of life; it mingled with the light which we enjoyed; it floated in the air which we breathed; it made part

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of the contemplation of the studious; the conversation of the social and communicative. It formed part of the taste of our public entertainments, and mingled in our melody. It was no longer an object to be dreaded; and with the sober and the serious, the only question was, "what wisdom was to be gained by it?" For, with regard to the event itself, and the peace of this country in consequence of it, there needed be but one feeling upon the subject; exultation and joy at the death of the despotism of France, the greatest enemy England ever had. The French revolution was a happy event for England; it afforded an opportunity to pursue, without interruption, the measures most consonant to our aggrandizement and welfare. It presented, through the medium of the national assembly, the best committee of supply this country had ever experienced. It had given the death blow to the family compact; prevented the farther sacrifice of millions, perhaps, of our fellow subjects; and precluded the wanton expenditure of millions, perhaps, of the public money, on the late misunderstanding between Great Britain and Spain. Of the old government of France it might be enough to say, that the revolution was a necessary remedy for the grievances of the people; that by the old system their liberties had been destroyed; and that by the despotic measures formerly adopted, the public debt, under which they now groaned, had been contracted. The safety of our possessions in India was owing to the French revolution; and therefore that event, in this point of view, was the greatest blessing that could happen to this country. By assuring us tranquillity abroad, it afforded us leisure to look into abuses at home; and neither to be intimidated into dangerous compliance with popular clamour on the one hand, or too ready to listen to the fears of the most timid, on the danger of innovation on the other. Such was the season to correct abuses. But, according to the opinions of some of the most moderate and well-informed men in this country, there were a number of principles maintained by the national assembly of France, which would militate ultimately against the true principle of well regulated liberty. Upon this he could only say, that if all the eloquent octavos, that in such numbers were daily flowing with the highest praises of the French revolution, were changed into folios, all that could be said in them would be at last reduceable to this, that the destruction of a despotic government was an act of the highest wisdom in a people; and that, this accomplished, the higher order, and the most enlightened class, would feel, and really possess, all the natural advantages of their fair superiority; while the lower orders of the people would fall into the rank of useful industry, which was the nerve and sinew of a well regulated society. But this theory of France had been carried too far, and it had been brought into discussion in this country. That it had been brought into discussion, he admitted; that the theory had been carried too far, was matter of speculative opinion, that had nothing to do with the real interest of this country, and upon which he should make no animadversion; but that, if France, under the reign of despotism, had produced statesmen capable of regenerating a government all at once, or a people capable of instantly performing the duties, and observing the subordination, necessary to a free constitution, he should have thought the vices of her old government far less than he did at present. The thing for us to attend to was a rational and sober reformation of abuses, at a time when there was nothing to interrupt us. This was the only way by which we could be sure of avoiding the evil that might attend a reformation by violence; for if to every request of the people, their representatives refused to listen, under an idea that some encroachments might be made on the prerogative of the Crown, the effect in time would be, that the people would suspect parliament of having too intimate an alliance with the power of the Crown; and by this popular distrust, they would be at last, in their defence, driven to the throne for shelter against popular resentment, and compelled to fortify the place in which they took refuge. This was the most sure way of making a real division in the country. It was well known, that every body thought upon public subjects. There was a spirit of inquiry issued forth among all classes of men; it increased every day and every hour: experience taught us it was impossible to check it; wisdom ought to teach us to prevent it from becoming dangerous; for so it would become, if the people had any reason to suspect that their grievances were treated with contempt. From first resolving only to pro-

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cure redress for grievances, they might fly to anarchy and confusion. If we suffered this, it would be too late to talk about the probable mischief of reform. He must then say to the House, that, unless they wished to encourage the idea, that the people will have no relief, however pressing their necessities or however just their claims, unless they wished to tell the people they really had no friends in the House of Commons, and that their rights were totally neglected, they would yield redress with cheerfulness, when fairly claimed. This was the only way to keep the people of this country contented with their condition. One proof of a disposition to attend to the wishes of the people, would have more effect in preserving their attachment to the constitution, than all the eloquent speeches that had been made to praise it. "If (said Mr. Sheridan) we survey the progress of reason and philosophy, the medicine of the mind, which enobles every principle of action, I am confirmed in the opinion. that parliament ought no longer to repel reforms, when real grievances exist. The people will not now be deceived by fallacious statements of their happiness. We ought to preserve our parliamentary dignity with the people. Whenever we suffer ourselves to sink into contempt, then 'farewell, a long farewell to all our greatness.' We should convince the people that we have their interest and happiness at heart; that we are ready to redress their grievances: that we do not mean to provoke improper applications to the throne; that we wish to maintain the fortification of the citadel of the constitution entire and unmolested; that we scorn the wretched and contemptible argument, that the edifice is too rotten to suffer any repairs, and so brittle as to hazard a demolition on the gentlest touch; and finally, that we will not drive the people to the miserable and alarming necessity of selecting any other leaders than their parliamentary representatives." These, he said, were not sentiments peculiar to himself. The propriety of them must be felt by every man who heard him. He rejoiced that they were not merely felt, but adopted as a principle of action; that men, whose characters, situations, and consequence, placed them above the suspicion of sinister motives, had resolved to rear a standard, to which all who sought redress of grievances, or reform of abuse, by loyal and constitutional means, might repair with confidence. This was the true course to prevent the people from putting themselves under leaders whose object might be not so much to reform as to destroy. Those who had undertaken it would, he trusted, follow up with the same youthful ardour, but more steady perseverance, than the right hon. gentleman opposite (Mr. Pitt) that reform which had been the first object of his political life. Indeed, it was but a bad compliment to the constitution, to say it was a building which we could not touch without the danger of its overthrow. Such a building the people would be too ready to view as an old edifice, so far decayed as to be incapable of support. He who now obstinately refused to listen to proposals for a temperate reform, must be destitute of prudence and discretion. He then moved, "That this House having received petitions from forty-six of the royal burghs of Scotland, complaining of various grievances in the government of the said burghs, and the House, after taking the same into consideration, having on the 17th of February, 1788, ordered, that notarial copies and setts of the royal burghs should be laid before this House, and then having made several other orders for accounts of the cess, stent, or land-tax, levied in the said burghs, and of the sums of money paid the receiver-general on account of the same, and for accounts of the revenues of the said burghs, and for accounts of the lands of the said burghs, alienated since the union; and, in obedience to the said orders, such accounts having been laid before this House, it is incumbent on this House to proceed to the examination of the said papers and accounts, in such mode as shall best ascertain whether the grievances complained of are true, and what remedy this House ought to apply to such grievances."

The *Lord Advocate* of Scotland said, he considered it his duty to give some opinion upon the subject now before the House, and he would give it in the manner which appeared to him the most proper, and the best adapted to the real interests of Scotland: and this he would do without the least regard to popularity: because, if he was conscious that he acted from conviction and right motives, be held in thorough contempt any popularity that might be gained by supporting the motion, or any unpopularity that might attend opposition to it. The hon. gentle-

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man had laid much stress upon the contents of the petitions, and other papers on the table, by arguing, that they exhibited grievances and complaints that required immediate redress. The complaints in those petitions might be divided into three branches: first, that the inhabitants of burghs in Scotland were liable to the illegal exaction of taxes, for which there was no adequate remedy: secondly, that there were instances of gross misrule and misconduct by the magistrates of burghs, in the dilapidation of public property, and general discharge of their duty: lastly, that there was no court of judicature in Scotland to which those magistrates were responsible for what they did, or that had any control over their conduct, however improper it might be. The two first were positions entirely unfounded. The last he would admit in part, as far as respected the production of accounts, and lamented that there was such a deficiency in the law of Scotland as he must acknowledge that to be; and if a specific proposition was brought forward that could remedy this defect, he would most willingly support it, provided the regulations went merely to remedy an existing grievance, and did not at all interfere with the constitutional system of the Scotch burghs, as confirmed by the usage and practice of so long a period. If, therefore, the hon. gentleman confined himself merely to this, he would find that he was no enemy to reform, when it was evidently necessary, though he never would agree to what seemed to be the principal object of the hon. gentleman's endeavours, a complete subversion of the present constitution of the burghs of Scotland, in order to substitute a new one, which, in his opinion, would in no degree tend to remedy any grievance, but, on the contrary, be at best a mere speculation, fraught with dangerous consequences. The hon. gentleman had stated all those petitions and complaints as coming from the royal burghs of Scotland; but this he begged leave to deny; for the petitions, he contended, did not in general come from the royal burghs. When he allowed that there ought to be some remedy on the particular point of there being no court in Scotland competent to take into their cognizance the accounts of magistrates, and wished to see a proper remedy applied, he thought doing so could not be called a half measure, or palliative, as the hon. gentleman had stated every thing to be, that came short of that total subversion of the present constitution of the royal burghs which the hon. gentleman wanted: while this was contended for, and that the power of self-election, as it was called, in those burghs, ought to be taken away, he, for one, should oppose every attempt that favoured such a measure. With regard to what had been said about illegal exaction of money from the inhabitants of the Scotch burghs, and that there was no remedy, he had never even heard of any complaint of that nature having been made. He recurred to the period of the Revolution, and the subsequent treaty of union, when it was the object of both countries to participate in every advantage that could be suggested for their mutual interests. At this time it did not appear that those heavy grievances, now so much felt, had existed; nor was there then, nor till lately, any complaint against them. He had been bred, from his infancy, to the Scotch bar, and had not yet been in any of those situations which the hon. gentleman alluded to, and which might have jostled the law of Scotland out of his head; and it certainly must be much jostled in any man's head, who asserted, that there was no court of judicature in Scotland, competent to take cognizance of illegal exactions of money by magistrates from the inhabitants, upon whatever pretence it might be levied. He remembered two cases, one from Aberdeen, and another from Glasgow, where the court of session so far received and entertained the complaint of the burgesses against the magistrates, that they entered into the merits of the case; and having thoroughly examined it, saw that the complaint was frivolous and groundless, and decreed accordingly. He would insist, in the face of any lawyer in Scotland, that if any magistrate exacted taxes from, or dilapidated the property of, the burgesses, he was amenable to the laws of his country; because there was a power in the court of session to inquire into, and grant redress in all, such cases. In his official situation, he would lend his name to such informations, and always would do. He concluded, by stating his opposition to going into any committee of inquiry, because that might give the country reason to think that the grievances really existed, whereas he believed they did not.

Mr. *Fox* said, that before he offered a word on the present motion, he wished to

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make a few observations on the statements of the learned lord who spoke last, for they appeared to him to be totally unparliamentary. He meant that when the question was, inquiry or no inquiry, it was not right to set assertion against assertion. He conceived, that when any member of that House said, "I have a fact which appears to me to be true," the only way to dispose of it was either to give the inquiry, that the fact might be ascertained, or to say we admit the fact to be true, but we are of opinion no inquiry ought to be granted, because it is not of sufficient importance for us to waste our time upon its investigation. But, when a fact was stated by one hon. member of that House, and the possibility of it denied by another, on account of its atrociousness, then least of all should an inquiry be refused, because then it ceased to be interesting to one side only, it became interesting to both; it became as much the duty of the House to be tender to a party falsely accused, as attentive to the accuser; and how could the falsity of the accusation be made manifest, and innocence clearly set free from suspicion, but by inquiry? Therefore the learned lord was unparliamentary, when he maintained the impropriety of inquiring into a fact, because its atrociousness was evidence that it could not be true, and that therefore inquiry would be futile.—Another argument of the learned gentleman was not more happy. He said there were three objects of complaint, or there were three grounds stated of grievance, of which one only existed. What then! You must state your remedy to them all, or you shall not have this inquiry! How was this? Was it the case at any time in the practice of parliament? Was it the case in the slave trade, that had been so vehemently opposed whenever any part of a reform was sought? Most indubitably it was not. An hon. gentleman, to whom the public was so much indebted for his anxious exertions for the abolition of that traffic, and for his perseverance, had thought that the slave trade ought immediately and totally to be abolished—so did he; but another opinion was stated, and a gradual abolition was proposed, to which the House, in his opinion, very imprudently agreed, because he thought the immediate abolition better. What then, did the House refuse farther inquiry, because they did not agree in the remedy proposed? Not so; for they had agreed to enter into a farther inquiry. This observation of the learned lord was no better than the former. But supposing the reasoning to be as parliamentary as he thought it ridiculous, what were we to think of the probability of the truth of the case, as stated by the learned lord? He had said, that in all the royal burghs there were none of the abuses complained of. Mr. Fox confessed he had a high respect for the inhabitants of North Britain, on account of their integrity and abilities, but he would not pay them such a compliment as to suppose that there were no abuses in any of their burghs, while he knew there were so many in England—that a place where he was told there existed no check, was better conducted than that where there were many. In fact, when he saw by these petitions, that a numerous body of persons were complaining that there was money taken out of their pockets which ought not to be taken, and to which they did not assent, and that this money was not applied to the purposes for which it was pretended to be raised, nor applied for their use in any way whatever, what should he say? Most decidedly that there was ground for inquiry.—As to the general observations that were made upon reform, they were easily answered. He knew very well that every reform was, by its enemies, called a subversion; but that ought never to deter others from entering into inquiry; if it were to have that effect, no evils would be prevented, nor any grievance redressed. The complaint here was from the royal burghs; that their officers had mismanaged the affairs entrusted to their care; that by their mode of election persons were to dispose of the property of those who had not the shadow of a choice at the election, and that the proceedings of those self-elected persons were afterwards carried on in a way that precluded the possibility of any examination into their conduct. Now, if there was to be no inquiry into this, he wished to know what character for freedom the inhabitants of North Britain must have. This was a crown grievance, and on that account the House ought to be the more ready to enter into an examination of it, and to declare, by the parliament of England, that no such abuses shall be suffered to continue. Let the House peruse the papers, which so much pains had been taken to collect, and let them afterwards

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declare and proclaim the enormous falsehoods they contained, if that should be the effect of the inquiry.—If the House did not go into this inquiry, they would break their promise with the public; for they stood pledged by a resolution of last year to enter upon this subject. Let the House publish a resolution, that these grievances did not exist, and that, if they did, there were courts of law in North Britain to take cognizance of them. He would say that the petitioners had a right to take upon themselves to call on the House of Commons to declare their opinion, whether these grievances did exist or not, and if they did, to call on them to devise means for the redress of them. They had a right to say to the House, for it was true, "You declared last year that you would inquire, and yet this year you insult us, by telling us you will not inquire at all." He said they had a right to apply to that House as often as they thought fit, and that, in his opinion, they would do well to repeat their application until they gained their point. They were entitled to the protection of the government of this nation, for it derived the benefit of their allegiance. The House had pledged itself to give an opinion upon the subject of these alleged grievances, and if it withheld that opinion, it would, in his mind, disgrace itself. As to the peace of Scotland, he confessed it appeared to him, that so far from being in danger from granting this inquiry, it was the only way effectually to preserve it; the refusal, indeed, might be dangerous, and be the means of creating some confusion, for men would naturally be led to excesses after they had repeatedly been refused redress of grievances which they severely felt.—He did not pretend to be equal to a dispute with any member of that House, much less was he equal to the learned lord upon the law of Scotland; but by the doctrine maintained by that learned lord, it seemed to him, as if the inhabitants of North Britain were to be considered as having remedies to grievances, only *de jure*, but which were to be applied *de facto*. But if a member of the British parliament was bound to listen to the petitions of any of the people of England, so he was to those of Scotland: and if there was any difference in the degree of zeal with which he was to perform his duty, it was in the case now before the House, where the complaint was, that the people were irregularly taxed; and he confessed freely, he should, in his opinion, betray his constituents, if he did not give his voice for this inquiry. As to the effect of the inquiry, he should not conceal his sentiments. He suspected that there could be no remedy but by altering the mode of election of this self-elected council. He should be ready to retract that opinion, if he saw good reason for it: but he could not help suspecting that he should remain of the same opinion, because he thought that none should elect others to offices that had the disposal of property, but those who were to pay the taxes. He knew nothing of the character and disposition of the people of North Britain from any other means than from the many excellent characters which he had met with in this country, but he hoped they loved the substance of liberty too well to permit the abuses that had been stated to continue for any considerable length of time. If it were true that their magistrates imposed upon them in the manner stated, the people must be fallen much below the level of what he thought them, and have feelings of liberty very different from Englishmen; and until he became persuaded they were so, he should willingly lend every assistance in his power to obtain their just rights, because he knew it to be his duty. He lamented, however, that some gentlemen who were members of that House were rather indifferent upon the subject, for he believed if these petitions came from other parts of the island, more attention would have been paid to them. This, however, should not slacken the efforts of these petitioners, but should stimulate them to persist; for if they did, the time would come when the House of Commons would be obliged, —he did not mean improperly obliged, but obliged by reason, to comply with their request.—With regard to what had been advanced, as a miserable consolation to the people of Scotland, that similar grievances existed in England, it was not a rule that one man should bear oppression, because another thought proper to bear it; nor did he think it a wise thing to urge such an argument. That argument could not be better refuted than by recurring to an eloquent speech of a very able member of that House, whose frequent absence he very much lamented, whom he at one time had the happiness of calling his friend, and whom personally, though not politically, he wished still to consider in the same view. Mr. Burke,

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in a debate on the American war, when the subject of taxation was discussed, opposed those who argued, that there was virtually an equal right to tax Boston as well as Birmingham, by maintaining that it was impolitic and imprudent in the extreme, to recommend an imitation of the defects of our constitution; and that, were we not disposed to remedy grievances, we should not wantonly provoke an inquiry and exposure of our imperfections, but give a silent connivance to those objects that were deemed reproachable. The like refutation might be adopted on the present occasion, the profound observations of the elegant senator being equally forcible and applicable.—There were some corporations in England, where the magistrates were self-elected; but he was sure there was not one which could plead an exemption from the authority of a court of law to compel them to account for their trust. Yet this latter abuse avowedly existed in Scotland. The remedy which his hon. friend intended to propose, was to vest the right of electing magistrates in the burgesses at large. This appeared to him to be the only effectual remedy: but the House might devise some other. All he asked for in the present case was inquiry. The House could not, in his opinion, refuse it; and when a committee should have gone through it, he made no doubt but a proper remedy would be adopted for such abuses as should then be found to exist. As a member of the British parliament, he felt himself bound to attend to the petitions of the people: he should therefore think he failed in duty, if he did not give his hearty approbation to the motion, which he trusted common justice would induce the House to adopt.

Mr. *Anstruther* said, he considered the subject as having nothing to do with popularity or unpopularity, and was surprised that popularity had been at all introduced into the debate. He would be content to argue the question upon facts, and to oppose going into any committee of inquiry, until the hon. gentleman had produced some facts as grievances, which demanded the inquiry he asked for, and which he insisted his hon. friend had never yet been able to do. About three years ago his hon. friend had brought in a bill; but as the House knew of no grievances that existed, it was very properly said, produce some facts to substantiate your complaints, and having laid those before us, we shall be able to judge what they amount to, and what remedy, if any is necessary ought to be applied. Upon this suggestion the bill was then given up; and since that time a prodigious number of papers had been laid upon the table; yet, after all they did not contain any one instance of grievance, for which redress had been asked, and refused; and, certainly, the House was not bound to go into a committee of inquiry upon a mere assertion of grievances. There appeared in the papers on the table no illegal exactions, nor any conduct on the part of magistracy that required redress. He likewise agreed with the learned lord, that the courts in Scotland were competent to inquire into, and adequate to give redress, in all cases of illegal abuse.—He then noticed the arguments of his right hon. friend, who had said, that when one hon. member insisted that a grievance did exist, and another denied that it did, assertion being answered by assertion, then came the time for inquiry. To this mode of arguing there could be no end. And, then, said his right hon. friend, the grievances complained of, being so atrocious in their nature, and so incredible, there is still the greater necessity to inquire whether they exist or no.—If they do, to apply the proper remedy; and if not, to declare that they are false and unfounded. The only one for which there was a colour, was the accounts of the application of the money not being open to examination; and if this did really exist, it certainly required a remedy; and whenever any was proposed he would be ready to accede to it. That there were courts of competent jurisdiction to redress any misconduct of the magistrates, was evident from the examples already adduced: that competency was in the court of quarter sessions. He referred to the cases of Aberdeen and Glasgow, and said, that the court of session, having entertained those suits, sufficiently evinced their power of taking such complaints under their cognizance. His right hon. friend had whispered to him, that the Scotch court never threw out any action upon their incompetency to judge of it; but he must say, his right hon. friend had here sadly jostled the Scotch law that might be in his head; for any man who had been in the court of session, must know, that actions were thrown out for that very reason. If, in the case alluded to, the court of session had improperly decided

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the complaint to be groundless, the blame lay with the court, and not with the law. Whether they had been right or wrong, was not for him to say; but if they were wrong, the intended bill of his hon. friend could be no remedy against that. As to the grievance of there being no court to control the management of magistrates when in office, he admitted it as much as the learned lord; and whenever the hon. gentleman could propose a suitable remedy, he might depend on his support. With regard to there never having been any action for delinquency in magistrates in Scotland, as stated by the learned lord, he believed, he might add, that the same was the case in England.—He then entered into the different ways in which charters were worded, and the opposition that frequently appeared between the words of an original charter, and the meaning affixed to it, by the custom or usage of the burgh. All the charters were in old abridged latin, and many of them had become ambiguous; the setts, therefore were to explain these ambiguities, and state their meaning.—His right hon. friend had said, that there was nothing of the character of freemen left to the inhabitants of Scotch burghs; but he, on the other hand, contended that they enjoyed, as much as English burgesses. every thing connected with freedom; and that their civil rights were in no ways affected by the present constitution of the burghs; that no magistrate could levy money from them, or tax them illegally; and that the laws afforded them redress for every possible abuse. His hon. friend had said, he only meant an alteration of the present system by way of improving it. But what did this amount to? Why, the very first enacting clause of his bill went to a total repeal of all the charters, setts, and instruments of every kind, which regulated the present constitution of the burghs. He said that, if he had agreed with his hon. friend in other respects, he never would agree to abolish one system of corporate rights to establish another; because he believed corporations would be equally creatures of the crown in whatever shape they appeared. He concluded by saying that he should oppose the motion.

Mr. *Martin* was convinced that grievances did really exist with respect to the Scotch burghs, and was happy to give his vote for a reform in these, as well as for any other reformation, consistent with the spirit of the constitution.

Sir *James Johnstone* said, that he formerly mentioned his readiness to go into inquiry, if any abuses or grievances could be proved. Now, as it had been admitted on all sides that magistrates could not be called to account for their management, he certainly would vote for the motion.

Mr. *Dundas* declared, that the hon. mover had misrepresented and perverted every thing that he had said before on this question. When the hon. gentleman brought in his bill, he certainly opposed it, as an irregular way of obtaining its pretended object; and he certainly had suggested, that it would be proper to put the House in possession of some facts relative to the grievances complained of before he called on them to go into an inquiry. His only object was, to have a fair and full discussion, which he had always been, and was at this moment, ready to go into, provided the hon. gentleman would bring forward some specific proposition, as a remedy for the abuses stated. A great many papers had certainly been produced, and he supposed they contained all the facts which the hon. gentleman wished to bring forward. Why instead of all the delays that had occurred, did not the hon. gentleman come forward at once with his proposition, that from the facts before them, and the proposed remedy, they might judge whether the first were well founded; or, if they were, whether the other was the best remedy to be applied? But what was there in the hon. gentleman's conduct that looked like seriousness in this business? He last session brought it forward the very day before parliament rose, and the House then came to a resolution to take the matter into consideration early in the next session. And how had this been done? The hon. gentleman had heard a rumour that parliament would rise about the Easter holidays; and, after being silent on the subject all the former part of the session, he starts it again on the day immediately before the Easter recess. What he regretted most was, the delusion with which the hon gentleman had deceived his clients, the Scotch reformers, for several years, and the hopes he had held out to them, of accomplishing redress, for supposed and unsubstantiated grievances: and he would maintain, that granting to them what the hon. gentleman so much called for, a subversion of the present constitutional system of internal government in those burghs, would be productive of

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dangerous consequences. He wished therefore to have the matter fairly discussed and settled.

Mr. *Rolle* said, that his regard for the constitution led him to oppose every motion for reform that had been, or could be brought forward; and, as to what the hon. gentleman had concluded his speech with, that this was the proper time for reform and innovation, he must declare that the hon. gentleman had delivered one of the most inflammatory, wicked, and dangerous speeches he had ever heard.

Sir *James St. Clair Erskine* said, that the principle laid down for altering the constitution of the Scotch burghs would go to the alteration of all similar constitutions in England—a principle which, he apprehended, gentlemen were not prepared to adopt. He contended that the abuses alleged did not exist.

Mr. *Pitt* said, that the motion was neither such as ought to be negatived nor passed. The hon. gentleman might move his proposition of reform, and then the House might go into a committee to consider of it, if that should seem proper. He therefore recommended him to withdraw the motion, and take the other course. If the motion was persisted in, he should move to adjourn.

Mr. *Sheridan* made an able reply, and recapitulated his reasons for proceeding as he had done. If he was allowed to go into a committee he had gained his end, and would withdraw his present motion. In that committee he should move propositions of fact founded on the evidence, and on these propositions, when reported and agreed to by the House, he should move his remedy.

After some further conversation, Mr. Sheridan withdrew his motion, and then moved "That the several petitions, and other accounts and papers, presented to this House in the last parliament, relative to the internal government of the royal burghs in Scotland, be referred to the consideration of a committee." Upon this the House divided:

Tellers.

YEAS	Mr. Sheridan Major Maitland	- - - -	27
NOES	Sir J. St. Clair Erskine Mr. Anstruther	- - -	69

So it passed in the negative.

Debate on Mr. Dundas's Resolutions for the Gradual Abolition of the Slave Trade.]

April 23. The order of the day being read, for the House to resolve itself into a committee of the whole House, to consider of measures to be taken for the abolition of the trade carried on by British subjects for the purpose of procuring slaves from Africa; the House resolved itself into the said committee, Mr. Beaufoy in the chair.

Mr. *Dundas* then rose to perform his promise, namely, to submit his ideas on the gradual abolition of the slave trade. He said, that he should not take notice of any advantage which the slave trade might be of to this country, or to any class of inhabitants in it, or to any of the planters in the West Indies, if the trade had been permitted to continue. These were points totally extraneous, because the House had expressed its opinion that the trade should not be continued. Neither should he say any thing on the immediate abolition, because the House had come to a resolution that the trade should only be gradually abolished. His arguments, therefore, would be applicable only to the idea of a gradual abolition of the slave trade, and it was in that view he wished to submit them to the sense of the committee. Several years ago, he had formed his opinion upon the propriety and justice of the abolition of that trade, and the report of the evidence before the committee of privy council had confirmed him in that opinion; but though he thought it ought not to be continued, he did not think it would be safe suddenly to put an end to it. Some gentlemen were for immediate abolition, and others considered an abolition in any way whatever as ruinous to our islands, and to all concerned with them. His ideas, therefore, with respect to a gradual abolition of the trade, might be rejected by both those descriptions of persons, but he hoped they would be discussed candidly, and if rejected, be rejected after fair argument. The committee had already come to a resolution that the trade should be gradually abolished; that resolution he considered as the only basis for reasoning on the subject; and he expected that those who had differed from him on the former night would consider themselves bound by the resolution to regard the trade as a condemned trade. He begged leave before he entered into the detail, to restate what he had advanced on a former night, viz. that he considered the co-operation of the West India merchants and planters essential to the abolition; for unless the House made them parties in

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the experiment they were about to make, that experiment could never be made. Upon that ground, he hoped that those who were advocates for the abolition would see the impropriety of looking to a very short period; if they did not, the trade would be continued in a different mode and through other channels: if time was not given to encourage the merchants and planters to try fairly the scheme of rearing a sufficient number of native negroes to answer the purpose of cultivating the plantations, the trade would be carried on by foreign countries with our capitals, and be an unregulated African trade. He therefore begged gentlemen, for the sake of humanity, not to insist upon too short a period.

Having said this in general to those who were the most eager for the abolition of the trade, he would address himself next to the West-India planters and merchants; and to them he would say, that they were by no means aiding their cause if they insisted on too long a period to complete the abolition of this trade, because the sense of the House and the country had been already expressed upon the subject. There was another class of men, whose interest and opinions should not be neglected; for if they were, there would ensue very great distress to many, and total ruin to some families. The persons to whom he alluded were those who were mortgages, annuitants, or trustees for the estates of infants having property in the West Indies. Supposing for a moment, that the planters could carry on their plantations without fresh importations of negroes, that would not be sufficient to remove the evil for the interest of those planters was much involved in the interest of these mortgagees, trustees, &c. These persons must be satisfied that the plan would not affect their property, otherwise they would hasten to change the nature of their security, and call in their property for the purpose of investing it somewhere else, and by these means occasion losses aud bankruptcies to an incredible extent. There was another body of men whose interests were involved in this traffic.—The persons engaged in the trade itself, owners of vessels belonging to the ports of London, Liverpool and Bristol; and who had followed up this trade, under an idea that it was sanctioned by the legislature of this country. Under such impressions the committee would feel it their duty to do them justice.

Having stated the general outline of what appeared to him to be the best plan that could be adopted to meet the interest of all parties, and also to effectuate the abolition of the trade, he should now mention some of the particulars of the system which he should propose for the purposes of this abolition. First, that part which was carried on, not for the immediate use of our own islands, but for the service of foreign nations, he should propose to be immediately abolished. This made a very material part of the traffic; for in 1791, the whole importation consisted of 74,000, not less than 34,000 of which were exported for the service of foreign nations. Another part of his plan was to cut off, as much as he could, the importation of aged people to the West Indies from the coast of Africa. A limitation upon the age would tend to lessen the number, because the importation of young persons would tend more to population than that of persons of an advanced age, and the leading principle of his plan was to enable the planters to make an experiment, how far they could render fresh importation of slaves into the plantations unnecessary. In this the age was much to be attended to. Another reason why he wished to direct the attention of the committee to this part of the subject was, that it would, in a great degree, lessen the cruelties that were said to be practised on these unhappy people in their own countries, previous to the sale of them. Another reason why he adopted this was, that by importing young negroes we protected ourselves in a great measure against the diseases of these unfortunate persons; for the diseases to which the slaves were chiefly subject, were much more common among the aged than the young. It was well known, that most of the calamities of the middle passage were owing to the diseases of the old negroes. Another advantage arising from this regulation would be, that it would likewise remove the heart-breaking circumstance, of the slaves of age being torn from their connexions and ancient habits; as the negroes, of the age he should wish to confine the importation to, could not be supposed to have made connexions, or entertained habits from which they would not soon have their minds weaned. He had another very strong reason for being desirous of importing young instead of old negroes, which was, that it might be rendered worth the care of the planters to in-

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culcate into their minds that religious and moral instruction which they might be capable of receiving, and which probably was never considered an object worthy of attention with respect to the ancient negroes. For he was convinced that every idea of civilizing the negroes would prove futile, until an institution was established for the purpose of instructing them in religious and moral duties: and such institutions he should take care to suggest.—Under these impressions, he had thought of confining the whole of our importation of negroes to females not exceeding the age of sixteen, and to males not exceeding twenty. But he was told that it would be impossible to obtain a sufficient number for the purposes of carrying on our plantations under this limitation. He had therefore adopted another plan, which was, that the importation should be confined to females of the age of twenty, and males of the age of twenty-five. In his proposition for confining the importation to young negroes, he had in view the preventing the importation of African convicts, for it was idle to complain of the mischievous habits of the negroes, when it was acknowledged that those convicted of crimes in their own country were imported into the islands, and brought with them the seeds of every possible vice. By thus limiting age and tonnage, he should confine the importation to that class of negroes who were stated to be bred on the coast by their masters for the purpose of being sold for slaves. But a difficulty had also been stated to him upon this part of his plan, which was, that the slaves so reared, were not suffered to be exported, unless convicted of crimes. Should, therefore, the resolution he should suggest on this point appear, on inquiry, to be attended with inconveniences and danger, he should not consider himself as tied down to proceed with it.

Mr. Dundas next adverted to the risk the African merchants would be exposed to, of suffering in their capital, which chiefly consisted in the property of their ships, by the abolition, and therefore it became a matter of consideration, what sort of indemnification was proper for the loss they would sustain. Were their ships fit for that trade only, and incapable of being used in other sorts of commerce? He said, he should certainly think it his duty to propose that commissioners be appointed to inquire into the losses which might be so sustained, and he quoted as a precedent, the committee appointed by the regulating act.—The next point was, the period to be declared for the final abolition of the trade. Upon this point there had been a great difference of opinion. This point would be governed in a great measure by the calculation to be formed of the increase and decrease of population, in the various parts at which negroes were imported, and upon the proportion of males and females, and what, in technical terms, were called men boys, and women girls. This strengthened his first observation—that none but those who were young should be imported. And then came the question at what time the importation should cease, and upon that point he confessed he had not the least hope he should be able to give satisfaction. The farthest point to which he could get the friends to the abolition to go, was the term of five years; they would not talk to him if he proposed a farther period. The lowest point the anti-abolitionists would come to was a period of ten years. His own judgment led him to fall in with the longer period, because he thought that if he was successful in the plan that he should propose, a shorter period than either would cure the evil, and at the same time quiet the minds of the planters, and other persons more immediately interested in the trade; but as he wished nothing so much as that this subject should be set at rest for ever, he wished to give way to the opinion of others upon this subject. He should therefore propose a period of eight years, ending in the year 1800, when the trade should finally cease. He was sure it was the interest of this country, and he believed it to be the unanimous sense of mankind, that this question should not be kept much longer in a state of suspense. He was happy, however, in having an opportunity of declaring that hitherto the discussion of the subject had not been attended with any mischievous consequences, and that our possessions, where this traffic was applicable, were at present in a quiet state. As to St. Domingo, he confessed, that all that had been said of the insurrections of that place, and of its being the effect of our having had this subject agitated here, was totally without foundation—it originated in another cause. But of all things on earth he thought the question ought not to be continued undecided.

Upon the period, however, at which

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the importation of negroes to our colonies and plantations was to cease, he must now submit his sentiments. He had thought of the subject a good deal; and he must confess, that he did not see how he could limit them to less than seven years from the 1st of May, 1793. This was general with regard to the islands and plantations. With regard to the ceded islands, it must be allowed they stood in a very different predicament. It would be recollected they came to us in the year 1763. They were restored to us after recapture. That encouragement was held out for persons to lay out large sums of money upon grants upon these islands, which at this time changed the nature of property on them, and made them very different from the other islands, and therefore some farther consideration should be given to them. Perhaps some might be of opinion that a farther continuance of the trade should be allowed to them; or, perhaps, an indemnification of another sort; but these were points to be considered hereafter.—To come more immediately to the subject; namely, the necessity of supplying the islands with a fresh importation of negroes, he would say, it was not intended that the trade should be extended during this interval of proposed gradual abolition; there were no thoughts entertained of increasing the cultivation of the islands, and his object only was, that there should be a stock kept up on the islands, so that the present cultivation should not be lessened; and for this purpose, as well as for some others at which he had hinted, perhaps it might be proper to name commissioners to examine into the nature of the grants, &c. by which they were affected at present, and to see how far any claims could be made upon the justice of this country for any compensation for eventual losses. The real state of the question upon the point of population, as far as regarded the islands, was different in different islands, but all of them differed from the state of Jamaica.

He now begged to draw the attention of the committee to the situation of our West India islands, in respect to their population. For this purpose, he read a statement of the imports and exports for the years 1789, 1790, and 1791, by which it first appeared, that there had been imported into Antigua, in 1789, 311; exported 140; retained 271: from which, as far as regarded that island, it undoubtedly appeared that they had nearly arrived to a sufficient state of population, not to be endangered by the abolition. In the year 1790, they neither imported nor exported a single slave, but in 1791, a year of general importation, they imported 268, and exported none. In Barbadoes, in 1789, there were imported 444; exported 399; retained 45: in 1790 imported 126; exported 72; retained 54: in 1791, imported 382; exported 100; retained 282. In Montserat, in 1789, none were imported; eight exported: in the years 1790, and 1791, no slaves imported or exported. In Nevis, during the last three years, no slaves imported or exported. In St. Kitt's, in 1789, imported 67; exported 332; in 1790, 85 were imported, and the whole retained: and in 1791, no slaves were imported or exported. In Tortola, in 1791, there were 44 exported, but none imported; and in the two preceding years there was neither exportation nor importation. In the Bahamas, in 1789, neither importation nor exportation: in 1790, an exportation of 55: in 1791, an importation of 212, the whole of which was retained. Those islands might be considered, therefore, so far advanced in population, as to be free from any danger arising from the abolition. But the case was different with respect to Jamaica; for, in 1789, the importation was 9,808; the exportation 2,030; retained 7,868: in 1790, there were imported 14,063; exported 1970, and 12,930 retained; in 1791, 15,000 imported; 3,082 exported, and 12,388 retained; which proved that that island was not arrived at such a state of population, that they could safely rest upon it.—Mr. Dundas next stated the importations and exportations of the ceded islands, of Grenada, St. Dominica, and St. Vincent's, in all of which the importations had greatly exceeded the exportation. Dominica, in 1791, imported and retained 440. Grenada, in 1789, imported 6,490; exported 3,040, retained 3,050; in 1792, 3,900; exported 3,142; retained 768: in 1791, imported 9,283; exported 6,000; retained 2,921. St. Vincent's, in 1789, imported 938; exported 58; retained 845: in 1790, imported 1,552; exported 611; retained 2,941: in 1791, imported 2,863; exported 1,346, and retained 1,617. Having made the statements, to prove the policy of gradually abolishing the trade, instead of an immediate abolition.

Arguments, he was aware, might, in consequence of these statements, be ad-

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duced on both sides. On the one hand it might be said, that unless importation was perpetually allowed, trade could not be carried on, and consequently the island must be ruined. On the other, that the importations had been so great lately, that there would never be any farther necessity for importation, particularly as the mortality was not so great as it had been, and must still be less, if the health and morals of the negroes were properly attended to. Upon these points, he would say nothing more, than that we must give room for the planters to make experiments, to see how far they can succeed in any plan for the increase of the population of the negroes. Above all, we were not to forget that much of the prosperity of this island depended on the opinion which the mortgagees, trustees, &c. entertained of the plan by which it was managed, and therefore, that due regard should be had to the disposition of these persons.—He then entered on the state of the ceded islands, and distinguished what appeared to him to constitute the difference between them and the other islands; observing, that the whole plan, as far as is applied to them, should be brought forward in a distinct resolution for that purpose. He observed also, that he should propose additional regulations for the punishment of outrages that might be committed in this trade, as well as that there should not be a greater number of males than females in any future importation. With regard to the West India planters, he thought they and the colonial assemblies had been very harshly treated. It had been said, that they had not attended to the object of meliorating the condition of the slaves in the West Indies. The fact was, they had been very attentive to that object, and had in a great degree been successful; and he believed that the attention to the interest of those poor creatures had been very great by the planters and colonial assembly, and that as much favour had been shown to them as was compatible with the condition of slaves. It was true, that many sanguinary laws with regard to slaves remained unrepealed until the year 1789. But was there any evidence that those sanguinary laws were executed in their rigour? None. The contrary was notorious. As well might we say, that all the sanguinary laws against Catholics were enforced, because they were not repealed until the last session. He hoped that many of these points would be farther attended to, in consequence of the discussions of that subject in parliament. He thought the negroes might be allowed to reap a certain proportion of the fruits of their own industry. He said, the chief grievances they suffered was from being a transferrable people, in consequence of which, they were liable to be sold from a good master, and carried to another island to a worse; and he wished to introduce rather a predial than a personal service.—Another point, to which he begged leave to call the attention of the committee, was a system of moral duty and religion. He hoped that, in future, care would be taken to instruct these negroes in the principles of the Christian religion—a religion which we had embraced, and without inculcating which among the slaves, we should make nothing of our abolition—a religion, which, whatever might be said on some of the controversial doctrines maintained by many of its professors, contained a system of morality that fitted its believer for all the duties of social life, and tended to make him a better man and a better citizen. If they did not teach these ignorant people the principles of this religion, and the planters complained that they were disturbed by the slaves, who, would not obey the orders of their masters, they had no right to complain. As well might the husbandman complain of a bad harvest, after he had neglected to cultivate the soil of his farm, as the planter complain of the morals of these poor people, whom he had neglected to instruct. Indeed, there was much reason to be dissatisfied with the conduct of the clergy in these plantations; considerable regulations were wanted, and should be adopted in that respect. The planters had complained, that the clergy in the islands were of no service; but this complaint he had no doubt the bishop of London, in whose diocese it was, would endeavour to remedy. In the establishment of institutions for instruction of young negroes, he was confident the colonial assemblies would concur; and in order to provide for the expense of their establishment, he should propose an humble address to his majesty; but not on this subject alone.

It had been said, that if we gave up the trade, it would be carried on by other powers. If the House wished, however, radically to abolish the trade, they would see the necessity of inducing every power in Europe to abandon it, as the West In-

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dians might fear being outrivalled in trade, if the importation of Africans was not stopped by other countries; for which reason, his proposed address would likewise go to beseech his majesty to use such measures as he in his wisdom might think fit, by negociation, or otherwise, to bring about a concert of the powers of Europe for the abolition of the trade. He saw no reason to think, because the slave trade ceased, that our commerce with the continent of Africa would cease likewise. Out of the ashes of the slave trade, new trades might arise, which, by the exchange of our manufactures for the produce of Africa, would tend to civilize the natives of that part of the globe. There were daily symptoms that a commercial intercourse with Africa would take place at no very distant period, and he hoped it would engage the attention of administration, since the civilization of the Africans, and the increase of our commerce with them, would go hand in hand; and he hoped this country, which had given encouragement to the slave trade, would give encouragement to establishments that might tend to open and extend a trade to Africa more beneficial and more honourable. Mr. Dundas said, he thought he could propose a plan that would in some measure, effect the desired object. He would now read over his resolutions, and, for the convenience of the House, would have them printed, and reserve the discussion to Wednesday next. Mr. Dundas then read over his resolutions, as follow:

1. "That it shall not be lawful to import any African negroes into any British colonies or plantations, in ships owned, or navigated by British subjects, at any time after the first day of January, 1800.

2. "That from and after the 1st day of May, 1793, it shall not be lawful to carry any African negroes from the coast of Africa, or any African, or creole negroe, from any of his majesty's islands or plantations in the West Indies, to any of the dominions of any foreign power, in any ship owned or navigated by British subjects; or in any ship or vessel that may depart from the ports of Kingston Montego Bay, St. Lucia, and Savannah la Mar, in the island of Jamaica; or from the ports of St. George, in the island of Grenada, Nassau, in the island of Dominica, and Nassau, in the island of New Providence, in the Bahamas.

3. "That from and after the 1st day of May, in the present year, it shall not be lawful for any ships to clear out from any port of Great Britain for the coast of Africa, for the purpose of taking on board negroes, unless such ships shall have been previously employed in the African trade, or contracted for, for that purpose previous to the said 1st day of May.—And further, it shall not be lawful for any ship to clear out from any British colony or plantation in America for the coast of Africa, for the purpose of taking on board negroes, unless such ship shall have been previously employed in the African trade, or contracted for, for the purpose, before the 10th day of October of the present year.

4. "That from and after the 1st day of May 1793, it shall not be lawful for any British subject to carry from the coast of Africa, in any ship or vessel owned and navigated by British subjects, a greater proportion of male negroes than female negroes.

5. That from and after the day of it shall not be lawful for any British subject to purchase, or take on board, or carry from the coast of Africa, in any ship owned or navigated by British subjects, any male African negro who shall be above the age of 20 years, or any female negro above the age of 16 years.

6. "That from and after the 1st day of May in the present year, the owner or owners, or master of every British vessel, which shall be entered outwards in any port or place in this kingdom, or in his majesty's islands or plantations in America, shall declare to the principal officers of his majesty's customs of the port or place from whence the vessel is about to depart, for the purposes of taking on board negroes on the coast of Africa, the general destination of the voyage, and the particular island, or islands, in his majesty's plantations, to which he or they propose to carry the negroes so purchased; and that one or more of the owners, together with the master or person having the command of such ship or vessel, shall, with two sufficient sureties, enter into bond to his majesty, in the sum of one thousand pounds for every hundred tons burthen of such ship or vessel, and in a similar proportion where the tonnage shall fall short or exceed the above burthen, to comply with the conditions of the third and fourth resolutions.—And that the master or person having

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the command of such ship or vessel shall proceed directly from the coast of Africa to some one of his majesty's plantations in the West Indies, or to the island of New Providence in the Bahamas, and there land the negroes taken on board on the coast of Africa, unless the master of such vessel shall, by stress of weather, or other unavoidable accident, be obliged, for the safety of the vessel and the crew, to carry such ship or vessel into the nearest port of safety.

7. "That a duty shall be levied or collected by the collector or other principal officers of his majesty's customs in the plantations, of 5*l.* upon every male negro exceeding 4 feet 4 inches in height, that shall be imported in any ship or vessel into his majesty's plantations, from and after the 10th day of October 1797; and for every male negro whose height shall not exceed 4 feet 4 inches the sum of 3*l.*; and for every female negro exceeding 4 feet 4 inches in height, the sum of 3*l.*; and for exery female negro whose height shall not exceed 4 feet 4 inches, the sum of 2*l.*; and for every male negro exceeding 4 feet 4 inches in height, which shall be imported as above, from and after the 10th day of October 1798, the sum of 10*l.*; and for every male negro whose height shall not exceed 4 feet 4 inches, the sum of 8*l.*; and for every female negro exceeding 4 feet 4 inches in height, the sum of 8*l.*; and for every female negro whose height shall not exceed 4 feet 4 inches, the sum of 6*l.*

"And for every male or female negro exceeding 4 feet 4 inches in height, which shall be imported as above, from and after the 10th day of October 1798, the sum of 15*l*; and for every male or female negro, not exceeding 4 feet 4 inches in height the sum of 12*l.* Which duties shall, within one month after collection, be accounted for and paid over, by the collector or other principal officer of his majesty's customs, to the receiver-general of the island or plantation in which such duties shall have been levied or collected, to be applicable to the use of the said island, or plantation, and to be under the direction and at the disposal of the legislature of the same.

8. "That from and after the 10th day of October, in the present year, it shall not be lawful to import into any island or colony in America, under his majesty, any African negro, or any creole negro, or mulatto slave, from any foreign island, colony, territory or dominion in America.

9. "That from and after the 1st day of May 1793, the tonnage of shipping annually cleared out from the different ports of this kingdom to the coast of Africa, for the purpose of purchasing negroes, shall not exceed tons; and that the ports of London, Bristol, and Liverpool, shall be allowed such proportion thereof, as the respective trade in each port to the coast of Africa bore to the whole, upon an average of three years, preceding the 5th of January 1792. And further, that from and after the day of the tonnage of shipping annually cleared out from the different parts of his majesty's colonies and plantations in America to the coast of Africa, for the purpose of purchasing negroes, shall not exceed tons.

10. "That commissioners should be appointed to examine into the losses which merchants or others concerned in the African trade may sustain in consequence of the preceding resolutions, and that these commissioners shall, from time to come, report to parliament the amount of the indemnification to which the sufferers are, in their opinion, entitled.

11. "That further provision ought to be made for the exemplary punishment of any British subjects, who shall be guilty of any outrage, violence, or mal-practice against any native of Africa, either in that country or on the coasts thereof, or on board any ship or vessel owned or navigated by British subjects.

12. "That an humble address be presented to his majesty, beseeching his majesty to take such measures as, in his wisdom, he shall judge proper, for establishing, by negociation with foreign powers, a general concert and agreement for the final and complete abolition of the trade carried on for the purpose of importing slaves from the coast of Africa, into any of the dominions of the said powers; assuring his majesty, that while, on our part, we feel ourselves indispensably obliged, by the principles of justice, humanity, and sound policy, to take the most effectual measures which circumstances will admit, for accomplishing this important object, we shall enter on the pursuit of those measures with additional satisfaction, from the hope and persuasion that his majesty will be enabled, by the prudence and wisdom of the respective colonial legislatures, to adopt such

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regulations, within the several islands in the West Indies, as by promoting their internal population, and gradually improving the condition of the negroes, may provide, in the most advantageous manner, an adequate supply for their cultivation, and contribute to the security, tranquillity, and permanent prosperity of those valuable possessions. That, considering the particular regulations which may be necessary for this purpose, to be the proper province of the colonial legislatures, we have not thought it proper to make them the subject of our deliberations; but that if any circumstances should arise, in which our co-operation and assistance shall be wanting for this purpose, we shall, at all times, be ready to afford it, with a zeal and alacrity proportioned to the importance of the end, and to our constant solicitude for the general welfare and happiness of every part of his majesty's dominions."

Mr. *Pitt* said, that if he had reason, when this business was first agitated, to vote for the immediate abolition of this odious traffic, instead of changing that opinion, he was still further confirmed in it by what had fallen from his right hon. friend, whose candour and consistency of reasoning on this subject entitled him to every degree of praise. He had listened to the very able speech with which these propositions were introduced, and thought that every argument advanced in it, would apply with the same force, and with greater efficacy, to the immediate abolition. As to the word gradual, he was quite at a loss to know any strict explanation that could be given to that term; nor did he think there was any one thing, either in substance or form, in the resolution of the former night, that ought to tie up the House in any way whatever; and he would declare it as his decided opinion, that, if there was one moment lost in determining upon the propriety of an immediate abolition, more than was absolutely necessary for discussing so important a question, even that would be too gradual an abolition. His right hon. friend seemed to insinuate, that the resolution adopted by that House was a kind of pledge, from which they could not depart. He was by no means of that opinion; but conceived that every gentleman who voted for the immediate abolition, was just as free as ever to follow up and divide on that opinion, in every stage of the business. There was one material point considered by his right hon. friend, which had not been so candidly admitted before by the enemies of the abolition, and that was, that a desire to increase the cultivation of the West India islands, was no good cause for continuing so unjust a traffic as the slave trade. The different situations of different islands had been stated; and it appeared that all the islands, except Jamaica, were in that state of population which did not require an importation of negroes, except for the purpose of keeping up their numbers. He had last year gone into this very minutely, and had asserted, that, in the year 1787, all the islands were in a situation not to require any importation of slaves, unless for the purpose of increasing the cultivation; and it being granted, this, of all others, was the worst reason for continuing the trade. He would pledge himself to show to the committee, that Jamaica, in 1787, had a sufficient number of negroes; and therefore, after four years of importation, greater in number than former years had been, they must now, in that island, if the idea of increasing the cultivation was given up, be ready, as well as the others, for a total abolition. If the question of an immediate abolition should not be carried (but he trusted and hoped it would), the only alternative was to accede to that of a gradual abolition; and in that situation he should vote for the shortest time, and the smallest importation, and take the sense of the House on that, and on every term. In fine, he should exert himself to narrow the trade in every part, as far as he was able. As to indemnification, he was certain the justice of this country would be as ready to listen to any claims which fell under that head on one side, as it had been to deny the dictates of it on the other.

Mr. *Wilberforce* allowed the right hon. gentleman credit for his fairness in the manner of bringing forward his propositions, but agreed with Mr. Pitt, that all the doctrines, and all the additional information, which the ability and industry of the right hon. gentleman had brought before the committee, tended more and more to convince him of the necessity of immediate abolition. He was pleased to think, from the speech of the right hon. gentleman, that all the pretexts for continuing that abominable trade, were entirely broken down by his own declaration of principles and sentiments, incon-

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sistent in every sense with its existence. He regretted, however, that his mind seemed to be hampered; that he had settled his motion for the gradual abolition first, and had then to find out evidence and arguments to support it, which the case would not furnish. The resolution of the House for a gradual abolition, on a former night, in his mind, was no reason at all to direct the committee to act against their conviction now, or in any future stage of the business. One point was entirely given up, which the enemies to the abolition had rested much upon in all former discussions—the importation of convicts from Africa; which the right hon. gentleman had, in his speech, completely abandoned as a very iniquitous part of the trade: but this was only one argument of the right hon. gentleman, which made against himself; for he would maintain, that all the principles and all the reasonings of the right hon. gentleman, were the best grounds for an immediate abolition; and he pledged himself to prove them such when the day of discussion came on. He was determined to oppose all the resolutions, and to vote against them, particularly the term for abolishing the trade; because, if the House once agreed that the slave trade was not to be abolished for eight years they determined, in fact, that it might last for ever.

Mr. *Fox* said, that he had never been more gratified than by hearing the speeches of the chancellor of the exchequer, and the hon. gentleman who spoke ast, and especially by that part of the right hon. gentleman's speech, in which he so explicitly stated, that nothing had yet been done by the House that could prevent them either in point of form or substance, from returning again to the consideration of the question of immediate abolition; for he now hoped, after the fresh motives for abolishing the trade immediately, which the total inconsistency and impracticability of the right hon. gentleman's proposition would undoubtedly furnish, a bill, conformably to the ideas of the first hon. mover in this business, would be suffered to be brought in. He should not then enter into the detail of the resolutions, but there were two or three observations which he thought it necessary not to delay making. The right hon. gentleman seemed, by his own account, to imagine, that it was in the very nature of a moderate measure to displease both the contending parties; and if the success of his plan of moderation was to be judged by this criterion, in this respect, he believed, it had the most distinguished success. If he judged of its merits, merely by that test, he might go home with the greatest satisfaction of mind: for as to all those gentlemen who had been on the side of immediate abolition, he could assure him he knew of none who would not prefer the throwing out of the bill altogether, to the consenting to any bill that fixed so distant a period as that which had been stated. For himself, he had no difficulty in speaking his own mind upon the subject: he did not know whether he might not consent to an abolition in three years rather than no abolition; but if five years was proposed, he could not bring his own mind to agree to pass a bill abolishing the trade at so distant a period. His reason was plain; he hoped at a future time to obtain a more early abolition than he should obtain by consenting to so distant an abolition now. The right hon. gentleman himself had confirmed him in this opinion; for in one part of his speech he had held a language so different from the terms by which he had attempted to induce the abolitionists to consent to a long term, that he was only following up the hint of the right hon. gentleman himself in refusing to vote for it. If it had been possible, indeed, to divide the House into separate committees, to send them to different committee rooms; the abolitionists to one, the anti-abolitionists to another; and if the right hon. gentleman had then divided his speech into parts, and had come successively into the different committee rooms, and spoken a part of his speech to each, it might have done well enough; but the misfortune was, that each party had now the opportunity of hearing what was said to the other. The right hon. gentleman said to the one party, "You had better vote with me for a longer time than you like, otherwise you will get no abolition at all." This was very polite language to the immediate abolitionists: but the misfortune was, the anti-abolitionists heard it, and they were thus led to think, that if in any way they could throw out the bill, no abolition could take place. Again, he said to them, "You had better agree to a shorter time, otherwise the trade will be abolished immediately; the country will not bear it longer;

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the House of Commons will not bear it; it is a condemned trade: and for fear of something worse you had better yield."—He fully agreed with the right hon. gentleman in this last threat which he had held out; he had taken courage from it; for his part, his fears of a perpetual slave trade (if these resolutions were negatived) were abated by the right hon. gentleman's own threat to the other party; and he assured those gentlemen who were against abolition, that if they disapproved a bill to abolish the trade in five years, he would most unquestionably agree with them and join in throwing it out. He approved of the address in part; but as to the idea of meddling with internal regulations in the islands, he thought that an affair in which there might be some little danger, and from which no adequate degree of good was likely to arise. If their own sense of duty, as well as their own interest in improving the population by good usage of the present negroes, would not be a sufficient inducement to the provincial legislatures, he had no idea that a recommendation from this country would have any great weight.—The right hon. gentleman had argued, that the present state of the West India laws was no proof of the degraded situation of the negroes, and had compared it to the state of our laws against Roman Catholics, which were in truth dormant. The cases were widely different. The one, those in the case of the Catholics here, truly slept, no individuals put them in execution, and if no action was brought upon those laws, no actual mischief to the Papists came from them; but as to the West India laws, they respected the whole personal protection of the slaves; the slaves had no redress of any grievance; they had no protection of law whatever. Their masters also, who were the opposite party, were the legislators, who both refused them the protection of law and themselves exercised individually the most arbitrary power over them. The famous law of Barbadoes enacted, that if a master killed his slave in the way of punishment, the master was to suffer no penalty of punishment whatever. If, indeed, he murdered a slave by wanton cruelty, the law said he should suffer the penalty of 15*l.*—whether in currency or in sterling made some difference certainly, and he was not sure in which of these coins it was that this enormous penalty for murdering a fellow-creature was to be levied.—As to the parts of the right hon. gentleman's proposition, he was almost prevented by disgust from going into them; still it was his duty to speak of them. The right hon. gentleman had now quite given up the principle on which the whole justice of the slave trade had been founded; for he had fairly acknowledged, that the people to be transported were not to be criminals. He had thought (and truly enough as to that matter) that there was danger to the islands from the transportation of African convicts, and he had therefore confined the trade to the transportation of innocent children. In future the slave traders were only to be allowed to steal away children from their miserable parents. This was the remedy which the right hon. gentleman's moderation had suggested! This was thought no hardship and no injustice; it was presumed they were slaves already, and were bred up for sale! The fact, as every one knew who was acquainted with the evidence, was directly the contrary. Those who were held in a state of slavery never were sold to slave ships except for crimes. This was a notorious thing. These barbarians, these savages, as we considered them, entertain such a horror of our slave trade, that they never sell any of their own slaves to our slave ships unless they have first committed a crime; they have too much compassion and bowels of mercy, savage as we call them, to part to us with the slaves that work for them, unless they become convicts. How, then, were these children to be obtained?—But, there were other difficulties which were such as to show the total impracticability of the right hon. gentleman's plan. They were none of them to be convicts, because these would be too dangerous; and yet one of his ideas was, that there should be men twenty-five years old sold to us! How was this age to exclude convicts? Were there no convicts in our country under that age? He believed by much the greater number of them were below it. Again, how was their age to be ascertained? Where was the baptismal register on the coast of Africa to which they were to go and look into for the ages of all these children? How, he would ask, was the captain to know a girl of sixteen from a girl of seventeen? How, then, could he tell whether he was breaking the act of parliament or not? In short, nothing could be plainer than the impracticability of this scheme of partial and gradual abolition, which, nevertheless, had

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been so confidently maintained, chiefly on the very ground of its being superior on account of its practicability. The immediate abolition was a simple, plain, practicable measure, founded both in policy and justice, and the House would only find itself involved in inextricable difficulties, and led into the most dreadful injustice, if it should take half measures, and attempt to legalize, in any degree, a thing so indefensible as the slave trade.—He was happy to hear the right hon. gentleman avow one principle, which he had done fairly and manfully, namely, that no importations were to be permitted on the principle of improving new lands, but merely on that of maintaining the present cultivation and population. This had given him considerable comfort, for if the right hon. gentleman and the House would but abide by that principle, and enter fairly into that consideration, he had no doubt whatever of their being completely satisfied, that the present stock could be kept up and did now fully maintain itself without taking any imported negroes into the account. The House, therefore, on examining this subject, which he would not enter into then, would, he was persuaded, vote an immediate abolition of the trade. As to Jamaica it had struck him, and must have struck the House, the moment the great importations into the island were mentioned, that the cause of them was the quantity of uncleared lands in that island; the population of Jamaica had been stated by the chancellor of the exchequer, and he was sure would be proved, to the satisfaction of every man in the House, when they went into it, fully able to maintain itself.—He could not help lamenting, that the right hon. gentleman should have so early, and, he thought, so hastily, pledged himself to a gradual abolition, without previously looking into the evidence ,and acquainting himself with the facts which bore upon the subject, and that he should have led the House on a former night to agree with him in his general proposition, of inserting the word "gradual," into the motion. He hoped they would now see the impracticability of effecting the abolition in the manner that had been so hastily held out. As to the question of compensation, he thought that ought to be considered completely as a separate subject of consideration. The abolition of the slave trade did not depend, in the least, on the decision of that matter. Let gentlemen make out a case, and it would be fairly heard by the House; but let it not be thought that the British parliament was to satisfy any obligations, or to evade the discharge of them (if such there were) by acts of injustice towards the Africans, who were no parties to the contract. We must settle ourselves the claims that might be made on us, and not commit injustice in Africa, in order to get rid of the obligation. He did not wish, in either way, to preclude the question of compensation; but yet he thought the right hon. gentleman had gone much too far. There was a complaint some time ago, Mr. Fox said, that we had not suffered lumber to go from America to the West Indies, as before the American troubles. Was there any talk of compensation then? Why, then, was a compensation pressed for not suffering slaves to be carried? In the former case, there was a much more natural ground of complaint than in the latter; for in the case of the slave trade, there was a radical violation of justice, while in the other case there might be something of a reasonable and almost a natural claim, from the vicinity of the American continent.—As to the agitation of this question, which the right hon. gentleman had deprecated, there he must completely differ from him. The question never could cease from being agitated, till the trade was abolished. Could it be thought that the hon. mover, who had given so many years to it, and was so fully convinced by a long investigation of the subject, of the truth of all that he had advanced, would quietly give it over, and be silent for eight years? Would the country continue likewise silent? There would be a general election before that time, and was it possible to conceive men's minds would then be at rest when they had interested themselves so warmly, so anxiously, and so generally as they had done? Would not gentlemen's elections be affected by this question? Would not the subject be revived by the contending parties, and the struggle break out continually with the greatest heat and violence? He did not mean to say that gentlemen ought to be induced by a fear of this sort to vote against a measure which they thought wrong in their consciences; but they must not imagine the agitation of the subject would be over. It was impossible to suppose it. No man, however romantic in the cause of slavery, however enthusiastic for injustice, could be so wild as to

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fancy that either the country, or the friends of the abolition in the House, would let this trade go on undisturbed for eight years longer. He wished some alteration to be made in the manner of bringing on the resolutions; namely, to bring on first that resolution by which the term of the continuance of the slave trade was to be decided. The merit or demerit of many of the other resolutions might depend on this; and it would, in every respect, he thought, be better. He should then wish to move first, the question of immediate abolition, which he hoped would be carried, confirmed, as every argument in favour of it now was, by what had appeared that day to be the right hon. gentleman's plan. If it should not, he should move a term of one year, then of two years, and so on. It would then be fairly tried what was that term which the House would be willing to adopt.

Mr. *Dundas* said, his opinion on the abolition of the slave trade was formed three years ago, on a careful perusal of the voluminous reports of the privy council: he could not, therefore, be said to have made his proposition first, and then looked for the arguments by which it was to be supported. He admitted that the mode of debating his propositions, suggested by Mr. Fox, was the most convenient, and said he should adopt it.

Lord *Sheffield* imputed to the enthusiasm of his right hon. friend (Mr. Fox), the notion he had got, that a great majority of the public was in favour of an immediate abolition. He believed he had conversed with as many persons on that subject as any man; and he declared that he found an immense majority against an immediate abolition. He said his chief motive for rising was, to notice a new and very unjustifiable style of accusation which had been lately adopted in that House. Some gentlemen, in the most concealed manner, scraped together, from any quarter, miserable stories, and, without the least notice to the parties, brought the astonished person accused before the public, in a manner that made it impossible for him to justify himself. If, however, a prosecution took place, the efforts of eloquence they had heard were like greatly to prejudice a jury, and prevent a fair trial. Nothing could be more inexcusable than to enrage the public against a man before trial. In captain Kimber's case, we had a melancholy instance of the effect of malice and credulity. He was almost ashamed of the impression the story had made on him. It was his duty to inquire; he had gone into a complete investigation of the matter; and it was as clear as demonstration to him, that there was not the least foundation for a criminal prosecution against captain Kimber; and it was also the opinion of men more capable of judging than himself. However, that cruelly injured man was in Newgate, and in irons, and could not have the advantage of a trial sooner than the 7th of June. If any more of those unfair attacks were made in that House, that he should insist on bringing evidence to the bar, that the innocent might have an immediate opportunity of exculpation.

Mr. *Wilberforce* said, he had stated what he had said the other day respecting captain Kimber from evidence that appeared to him to be true; it now, however, depended neither on him nor on the noble lord to prove, whether captain Kimber was innocent or guilty; a magistrate of that city had thought himself warranted to send for captain Kimber, and had committed him to take his trial. If the captain was innocent, he heartily wished his innocence might appear, but with regard to the noble lord's idea of giving notice to parties accused, he had not been taught to consider it either expedient or proper to give notice to the man he meant to take up, that he intended to charge him with having committed murder. With regard to the facts that he had asserted, he had all along observed, that they were uniformly denied, but that they afterwards came out in evidence; thus the fact respecting the Viper, which had lately been established in the court of Common Pleas, had, when he had first heard of it, been denied. With regard to captain Kimber, when he was first taken up, Mr. Wilberforce said, he had been told, that he might be furnished with a much stronger case than that of captain Kimber, and was apprized of such enormous and flagrant cases, that he had been blamed for his bad selection.

Mr. *Drake* said, he was not one of those who had stamina enough to be able to give his suffrage at seven o'clock in the morning; he had staid the last time the question was agitated as long as he possibly could, but was at length wearied out, and obliged to retire; he would, therefore, take that opportunity of saying a few

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words while he was able. He had imagined, that they were to have had no debate that evening, from what had been said by the right hon. mover of the propositions, and from the manner in which the subject had been spoken to by the hon. gentleman who had spoken after him, who was an honour to human nature, but whose generosity in the cause of the Africans was carried almost to a degree of insanity. But the right hon. gentleman who had followed him had taken a wide field of argument, and had held a language which he regretted to hear from a gentleman possessing such grandeur of understanding and such potency of argument. The right hon. gentleman had talked of their constituents; he declared, for one, that he sat there as a free subject; his constituents were the people of England, to serve them he was sent there by a few who had the privilege of election. He would always stick by the people of England, but he scorned to hold a seat in that House on any other terms than those of freedom, and as a freeman: he little, therefore, expected to have heard such language from a right hon. gentleman, who the other day had so nobly burst out, "Justum ac tenacem propositi virum." Mr. Drake said, humanity and justice were inseparable, that the West India islands were private property, and were to be considered as the vitals of the constitution; he therefore should vote for the gradual abolition.

Mr. *Fox* said, he was glad the hon. gentleman had given him an opportunity of explaining. If he was understood to have said, that they were bound to vote so and so, because their constituents desired them to do so, he was completely misunderstood. He was against the opinion of a gradual abolition, as neither founded in mercy nor justice; but he had guardedly told the right hon. gentleman, that if he thought the question of the abolition would be set at rest by carrying his propositions, he was mistaken, for they would hear of it at the general election. With regard to that House, Mr. Fox contended, that it was a vital part of the constitution to be considered as a deliberative assembly, and that they were to argue, to listen, to inquire and to determine; but in great and important questions it was of advantage to know what were the opinions of their constituents, in order to form their own opinion.

Mr. *Dundas* said, he should move, as his first proposition, on Wednesday, that the trade be finally abolished in the year 1800. This would give those, who were for immediate abolition, an opportunity of an amendment, and bring the term, at which the final abolition must take place, to a decision.

Mr. *Fox* said, this would not be a fair mode of fixing the term; because gentlemen, who might vote for abolition, in 1800, in preference to immediate abolition, if they had only to choose between the two, might yet wish for an earlier period than 1800.

Mr. *Pitt* agreed with Mr. Fox, and suggested a mode of deciding on different periods successively.

The chairman left the chair, reported progress, and asked leave to sit again on Wednesday.

April 25. The House having again resolved itself into the committee, Sir W. Dolben in the chair,

Mr. *Dundas* rose, and submitted to the committee the first of the resolutions which he had opened on Monday, "That it shall not be lawful to import any African negroes into any of the British colonies, or plantations, in ships owned, or navigated, by British subjects, at any time after the 1st day of January, 1800."

Lord *Sheffield* said, he was glad they had at last before them propositions in any degree practicable. His view was to obtain not merely the gradual abolition of the slave trade, but also the abolition of a mischievous discussion. His wish had been to promote a cessation of the trade by removing the necessity; but he had not considered the limitation of time or numbers as expedient or practicable. However, he was disposed to the outline of the right hon. gentleman's plan. He greatly preferred the present plan to that of last year, which proposed the dangerous and violent measure of stopping the ports of the West Indies by a British act. Although we had a right to say, the slave trade should not be carried on in our ships, we should not pretend to say the colonists should not be supplied by other means. If we chose to give up the supply of our islands, it did not follow that we had a right to starve them. Some humane gentlemen might say, they should not have live provisions carried in our ships, because it was cruel to put animals to death; we had as much right to say one as the other, and he insisted, that whatever might be necessary beyond the

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prohibition of the trade in our ships must be done by the West India assemblies. We had already tried the experiment of shutting the port of Boston; it would not answer better in the West Indies. Besides, we had since given up all pretensions to do it; for the act of 1778 reserves only the right of imposing duties for the regulation of commerce, and regulation and abolition were different things. He said, the immediate abolishers endeavoured to impute inhumanity to those who did not join in their wild mode of causing the cessation of the slave trade, but, in truth, the inhumanity was on the part of those who inflame the negroes to their destruction, and when insurrection takes place, our declaimers would be deemed the murderers, not those who opposed their extravagant measures. It was certain, our discussions would not be understood, and our negroes would not comprehend our efforts in favour of the inhabitants of Africa, which do nothing for them. He said, he was sorry to observe that we had men in this country capable of dispersing mutilated accounts among them to insure discontent. As to the petitions, they rather disinclined him to abolition; not one had the honesty to say, we are ready to compensate for our humanity. He knew they were not the voluntary expressions of the people, but far the greater part had been procured by associations, and he should ever condemn such attempts to control the deliberations of parliament, as he thought them highly unconstitutional. He concluded by saying, that a shorter time for the abolition of the trade than the year 1800 would be ineffectual.

The Earl of *Mornington* began with declaring, that however ready he might be to admit that the plan proposed by his right hon. friend was fraught with advantages material and important, yet, notwithstanding that, it was insufficient to the hopes that had always actuated his mind, ever since the period at which he had first bestowed any consideration on the subject. The great blow to the trade, however, he was free to acknowledge, was struck, and he could not but feel surprise at the proposition of his right hon. friend being short of an immediate abolition, when he recollected the masterly hand of him by whom they were framed; when he recollected the eminent talents he possessed, and so successfully employed in the service of the country; and much more, if he considered them as coming from one of sincerity; of zeal, of labour, and of diligence; qualities which in his right hon. friend he knew so eminently to exist. But the defect did not arise from the want of zeal or abilities of its proposer. The defect arose from the nature of the trade itself. It was a trade which, from its very nature, admitted of nothing like modification or amendment. Between right and wrong there could be no compromise; we could not modify injustice: and he could not help saying, that the resolution, as it now stood, was a mere proposal to moderate injustice. If we were to purchase the right of being unjust, we should purchase it at our own expense. He should not go into the detail of the plan of the right hon. gentleman, but should confine himself to the first resolution, because if he should succeed in the amendment which he should propose, the other part of the proposed plan would become unnecessary. There was another reason why he should confine himself to this part, and that was, that the detail of the subject had been so ably managed, that nothing remained to be added to it at the present time: it had had its effect on the House; and after the resolution which the House had entered into, it was no longer invective to call the slave trade inhuman and unjust. The question, therefore, was now not, whether the slave trade shall be abolished? but, how long shall we continue to be unjust? To what period shall we prolong our injustice? How long shall we carry on a traffic which we ourselves condemn and declare to be inhuman? He really thought it was nearly needless to proceed farther on a point so plain, that he should be outrun by the feelings of the House, and that they would anticipate what he ought to propose. But yet there were some who had been, and perhaps might be yet, of a different opinion from that which he had formed upon this subject. Some had thought that we should be unjust for ten years; others thought it was enough for us to be unjust for five years; others that we should be unjust for seven years; that the present century should continue in disgrace, and that justice was to commence its operation with the opening of another. But this, he trusted, would not be the sentiments of the parliament of Great Britain!

What had been the grounds of the defence of this trade? That the number of

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negroes on the islands were not of themselves sufficient to cultivate the islands—that for that purpose we must have fresh importations, and consequently a continuance of this trade. It was admitted, that if the negroes now in the islands were sufficient for the cultivation of them, the trade should immediately be discontinued. Now, it would appear, that there had been no importation, that in any degree, of late years, bore any proportion to the amount of the births and deaths, and that the mortality was chiefly among those who were recently imported. What was the result of this? Why, that it was perfectly clear that these importations were neither necessary nor useful.—With regard to Jamaica, he should wish to take some notice of the cause of the importation; and he should maintain the sufficiency of that island to support itself, as was proved by the chancellor of the exchequer on a former debate—not from any extraordinary abilities, although the House knew he possessed them—but from plain arithmetic, on which there could be no difference of opinion, taken from calculations accurately made in the year 1787. It appeared then, clearly to the House, that the mortality on the island of Jamaica was only one per cent., and even that mortality was to be imputed in a great degree to the importation of Africans. The whole number on the island was about 250,000. The number in the list of mortality was only about 2,000. The importation each year had been 10,000. Thus the committee saw that the number of the importation was ten to one compared to the mortality. To what were we to impute this? Not to the climate of Jamaica, he believed: for, in point of fact, the climate of that island was nearly the best of all the islands. But were there no other considerations, from the year 1787 down to the present time? Certainly there were. He knew particularly well there had been internal regulations made for the increase of the negroes by birth and population. He knew also, that the bill of sir William Dolben to regulate the mode of transporting the negroes from the coast of Africa, had produced a considerable effect, the result of which was, that the mortality of those now on the island would be still less than it had been. Then, had he not a right to say, that the late importations to Jamaica had been made in such a manner, as to meet the event of the total abolition of the trade, or else for the increase of the cultivation of the island? Now, what was to be done with the prodigious number of acres remaining uncultivated in this island? Was the cultivation to be extended? Certainly not. The point was given up in the opening of the present proposed plan for the gradual abolition. If, therefore, faith was kept with the public, that the cultivation of the island should not be attempted to be extended, a farther importation would be unnecessary. If not, the extent of that part of the island, which still remained uncultivated, was so great, that, in that case, it would be in vain to hope that the trade would ever be abolished. If we were to wait until all the islands were cultivated, he wished to ask, at what expense of blood they were to be so? Should we say, that in this state of our revenue—in this state of our power—in this state of our character for honour, humanity, and all the feelings that are so noble in our nature, all the scenes of desolation which had been so clearly proved to have taken place shall still continue? He trusted that the answer would be, No! That British commerce would not be stained with practices so foul—that the capital of British subjects would not be laid out in a traffic so degrading.

The case of the ceded islands had been stated by his right hon. friend on a former day, as differing essentially from that of our other possessions. If it did, he would have no objection to grant them compensation for the abolition; but he could not consent to keep the trade open on their account, because he was convinced such a measure would defeat the object which the legislature had in view in abolishing the trade. It had been said, that people had been encouraged to purchase lands in those islands, and extend the cultivation of them. It was true; but it ought to be remembered, that when grants were made to them by the crown, certain conditions were annexed to them, which the grantees were bound to fulfil. One of these was, that within a specified time they should clear and cultivate such a number of acres. Where steps had been taken to fulfil that condition, he was ready to admit, if the grantees were stopped short by parliament, and the slave trade shut up, that they were entitled to compensation. The same could not be said of those who had neglected to perform this engagement; they could not in justice call for compensation for a loss which they had not sustained,

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for reimbursement of sums that ought to have been, but that had not been laid out in clearing and planting new grounds. He was willing, however, to inquire into the case of the planters in the ceded islands, and to make them such compensation as should be fairly made out to be due to them in consequence of any act of the legislature. Money ought not to be considered as of equal value with blood.

It had been said that the African slave trade had been carried on under a positive compact, to which parliament was a party and that the merchants and planters, having embarked their property, under the authority of the legislature, in a line of business which could not be pursued without the assistance of slaves, the trade could not be abolished without injustice to the individuals concerned in it. This objection, however specious, was far from being solid; for on looking into the statute, which the merchants and planters considered as their charter on this occasion, he could not find the shadow of any compact, of which an abolition of the trade, however immediate, could be called a violation. On the contrary, he was convinced that if the planters and merchants would adhere faithfully to the letter and spirit of that statute, it would operate, not as an encouragement to the slave trade, but to its abolition. By the statute, to which he alluded, all persons concerned in this trade were restrained, under the penalty of 100*l.* for each individual breach or infraction of the law, from "taking or procuring any African slave by force, violence, fraud, or indirect means whatever." From this it appeared that the trade, as it had hitherto been carried on, not only was not sanctioned, but absolutely prohibited by the legislature under heavy penalties; and if he thought that it was possible to enforce those penalties, he would not call for an abolition of the trade, because this very act, by which it was said to have been sanctioned, would necessarily effect the extinction of it, unless it could be carried on without fraud, violence, or indirect means; and as he knew it could not, he was fully satisfied that the merchants would be the first to renounce it, if the penalties could be levied as often as they should be incurred. Here, then, was the bond on which the anti-abolitionists dwelt so much. But did it support the arguments that they built upon it? Very far from it. He admitted, indeed, that it gave them authority to purchase slaves; but it gave them not a drop of blood; they might take the pound of flesh; but they derived not from the bond a right to spill blood. They were not to wage war, or cause it to be waged; they were not to procure slaves by violence, fraud, or indirect means; nor treat them, when procured, in such a manner as to endanger their lives. So that this very act, which was the charter under which the trade was carried on, was the most complete condemnation of it.

But it had been urged by the anti-abolitionists, and by a noble lord in particular, that parliament had not a right to prevent the planters from supplying themselves with negroes, or making the most of their estates, in which themselves and their creditors were so deeply interested. This he denied; for parliament had often taken steps, and was materially affected; it had laid additional duties upon the sugars; it had varied the terms on which they might be exported from this country, and also the terms on which foreign sugars might be imported; nay, parliament had gone so far as to prohibit the importation of provisions into the West-India islands, without which negroes could not be of any use, in any other than British bottoms. Upon the whole, then, he would contend, that the slave trade having been carried on in a manner that militated directly against the act of parliament by which it was tolerated, and it being next to an impossibility that it should be carried on without violence, fraud, injustice, and indirect means, the legislature might, without a breach of compact, or of justice, annihilate it from this very moment.

The first time that the nation heard of this trade, or at least the first time any notice was taken of it by the legislature, was in the reign of Charles 2nd, when a company was formed and incorporated under the denomination of merchant-adventurers to the coast of Africa. At the head of it was placed James duke of York, afterwards James 2nd, a name ever inauspicious to liberty. By the act by which the king's charter was confirmed, power was given to the company to frequent the coast of Africa from the port of Salee on the coast of Barbary inclusively to the Cape of Good Hope, also inclusively, and to take slaves from the regions, coasts, climates, states, dominions, &c. &c. of the whole continent of Africa, from the time of granting the said letters patent for the term of 1,000 years!—His lordship read

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a passage from the act, stating all these particulars, and observed, that unfortunately for those who were concerned in this trade, not one African prince, state, or individual, was a party to this magnificent grant, by which whole nations completely sovereign and independent were given away, without their knowledge or consent.

Upon the whole, then, he was for an immediate abolition of the slave trade, because in the first place its continuance, after it had been condemned as cruel and unjust, would be a disgrace to the nation; and in the next, it could be abolished, without injury to the West Indies. Had he been reduced to the dilemma of consenting to the continuance of a trade which had been justly called a crime, or by abolishing it, effecting the ruin of our colonies, he hoped he should have courage enough to do his duty, and avoid the commission of that crime; but he thanked God he was not reduced to such an alternative, and that he could put an end to the crime, without injury to those colonies.—Some persons being beaten out of every other hold, had resolved to make their last stand on this ground, "that it would be in vain for us to give up the slave trade, for it would be carried on by other nations. To this he would say, that he hoped no nation would pursue a traffic, which the greatest commercial nation in the world was about to abandon, as an outrage upon justice and humanity; but should he be mistaken, all he would say was, that it would be nevertheless our duty to renounce a trade, which could not be supported but by murder and fraud; and if he was capable of bestowing a curse upon an enemy, the greatest he could wish any nation to which this country might be hostile would be, that it should take up the slave trade, the moment we should have laid it down. We owed an example to Europe: we had been the first to sanction this abominable trade: we ought, therefore, to be eager to express our repentance and horror, and to declare to all the world our resolution, to put an end immediately to so iniquitous a trade. Having said thus much in favour of immediate abolition, he would move an amendment, which he hoped would be carried: but should it be lost, he would still agree to a proposition, which, whilst it deprived him of the hope of an immediate abolition, would bring the trade to the next shortest termination. He concluded, by moving, "That the words '1st of January 1800,' should be left out, and the words '1st of January 1793,' inserted in their room."

Mr. *Beaufoy* said:—The motion which the noble lord has made, is so consonant to the earnest wishes I have formed, from my earliest youth, that if I now rise to state any doubts on the subject, it is with the hope, that in the course of the debate those doubts may be effectually removed; and that the conclusions of my understanding may ultimately correspond with the dictates of my heart. The noble lord has declared, that the British legislature will never consent to a compromise with injustice. But I much fear that such a compromise is imposed upon us by an invincible necessity—a greater power than we can contradict has subjected us to the cruel obligation. For on what other principle, than that of an over-ruling necessity, do we pretend to authorize the continuance in bondage of the 14,000 human beings who are now slaves in the settlements of Britain? It is not justice which teaches us, that because we have deeply injured, we have therefore a right to injure. The House of Commons, in their last voted for the abolition of the trade, have not so reasoned; nor is the principle which governed them candidly stated by the noble lord. The House of Commons conceived that the question before them was not, what is best, abstractedly considered, but what is best, under all the existing circumstances of the case. They were anxious to relieve their characters from reproach, and their minds from the bitter reflections of upholding a commerce, which all acknowledge to be the disgrace and scourge of our species; yet doubting, at the same time, if it were possible, substantially, and with real effect for the Africans themselves, to abolish suddenly and at once this inhuman traffic, they resolved to adopt, as the best practical, though not the best theoretical, expedient, the measure of a gradual abolition. They considered the slave trade not as a choice, but an inheritance; and they wished to escape from it by such means as should be found the best upon the whole. That our ancestors, in an age but little removed from our own; at a period, too, in which they had lately reformed the national religion, and professed a more than usual purity both in morals and in worship; that our ancestors, at such a period,

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should have resolved to establish a trade, which violates all the feelings of nature, and tramples on all the sanctities of religion, is one of those preternatural and portentous phenomena which confound the philosopher and appal the Christian. But they did establish this trade; they did extend to this atrocious commerce the sanctions of law, and the aids of legislative encouragement. Thus circumstanced, the obvious duty to which we are bound, is that of shaking off this tremendous legacy, by such means as shall appear to be the wisest and the most effectual on the whole. It is that of treading back the line of injustice, by the safest and most certain path, and of considering in what mode, with the least hazard to ourselves, and, above all, with the greatest benefit to the Africans, we shall relieve the country from the horrors of the slave trade.

Sir, in deliberating on this subject, the interests of the Africans themselves must be deemed the primary objects of attention; but when I speak of the Africans, I mean not to exclude from the number those miserable men who are already, by our means, and in our islands, oppressed by the calamities of bondage. Now, if the motion of the noble lord should receive the concurrence of the House, what is the effect it will produce on them? We know, from the accounts on the table, that the number of slaves who have been annually imported for the use of those islands alone, during the last twenty years, has not been less, on an average, than 14,000 per annum. From other papers on the table we also know, that if the quantity of sugar imported into this country for the five first years of the same period, be compared with the quantity imported in the five last years of that period, the increase will be found to be little more than 3,000 hogsheads per annum. But if these facts be admitted, it follows that an importation of 14,000 negroes per annum was not, as the noble lord has supposed, applied to the purpose of extending cultivation (for the near equality of produce disproves that idea), but was found essentially requisite to supply the rapid waste of life, and to sustain the perishing numbers of the slaves. Thus circumstanced, it is evident that a sudden abolition of the trade will operate on the Africans already in bondage, as an increase of toil and an augmentation of suffering. No rest, no respite will be allowed. The privilege of the sabbath will be profaned; the repose of the night will be invaded. No age will be considered as an exemption for the old; no illness as an excuse for the young. Children, in their tenderest years, will be compelled to join the gang; and the female negro will be lashed from the bed in which she is delivered, to the scorching labours of the field. Callous from habit, inured from his infancy to the sight of human suffering, and hardened to scenes of horror, the overseer will plead invincible necessity for the additional labour he extorts. The planter himself, feeling with double weight the pressure of his debts, and compelled to furnish the usual quantity of sugar, or to surrender his person to a gaol, may lose, in the sense of his own misery, the compassion he would otherwise show to the sufferings of his slaves. On the British legislature he will charge the augmented calamities to which the negroes are exposed. He will tell us, "It is you who impose the necessity of additional enforcements, by establishing the necessity of additional labour—it is you who give to the lash its unusual energy—it is you who urge the miseries of the slaves beyond the limit of human endurance—it is you who invigorate destruction, and accelerate the speed of death." Thus the British legislature will be exposed to the painful reflection of having aggravated the distresses it meant to alleviate. But if on the contrary, a short interval should be allowed to the planters, in order to enable them to provide for their approaching situation, I have no doubt but that such laws as that situation requires, would soon be passed by the assemblies of the different islands. Effectual provisions would then be made for preserving the lives of the Africans from murder, and their limbs from mutilation. The females would then be protected from compulsive prostitution; from the miseries of lewdness, combined with power. The rights of marriage would then be given to the negroes; and they would at length be allowed to participate in the first and most gracious command of their maker, "increase and multiply."

Having thus contemplated the probable difference to the Africans of the West Indies, between immediate and gradual, though rapid abolition, let us next consider the effect it is likely to produce on the continent of Africa itself. On this part of the subject, one obvious conside-

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ration will occur to every mind, and that is, that the interest of Africa requires, not merely that Britain should relinquish the trade, but that the trade itself should cease. It therefore requires, that in relinquishing the commerce, the measures adopted may be such as will not expose our settlements to ruin, nor the empire to dangerous convulsions; for if these should prove to be the disastrous result, the effect will inevitably be, that other nations, far from being, as the noble lord supposes, invited by our example, will be deterred by our experience. Renunciation is not abolition. The first may, perhaps, be effected (yet even that is a dubious opinion) by hasty resolutions, and a precipitate law; but the last can only be accomplished by such a regard to our own safety, as may prove to the world, that the ruin of their colonies is not the price which those nations must pay who determine to relinquish their commerce in the human victims which Africa affords. A right hon. gentleman has justly compared the conduct of the nation to that of a cruel banditti, accustomed to the trade of plunder and of death. His wish he has described to be, that we may no longer consent to pillage and to kill the traveller. My wish is, that in relinquishing the crime, we may also take care that the traveller shall be safe. Sir, in stating these sentiments, I have not forgotten the mauner in which the slaves are procured — I have not forgotten that whole families are condemned for a crime, in which the proof of innocence is as impossible as the proof of guilt; and in which, therefore, accusation is conviction; I mean the crime of witchcraft. I well know how completely this traffic pollutes the very sources of justice; destroys that security which constitutes the chief blessing of life; excludes all confidence; disjoints all society; and in every village, and in every house, impresses suspicion and dismay. Still less is it possible I should banish from my remembrance the situation of the Africans on board the ships which convey them from their native land. I have not forgotten the iron collars on their necks; the fetters on their hands; the chains and bolts upon their feet: I have not forgotten the thumb screws, the instruments of torture, nor the machine for forcing open the mouths of those who, in the steadfast purpose of despair, have refused all sustenance, determined to seek, by the most terrible of all passages, the protection of the grave. Who does not recollect, that, by the evidence which the slave merchants themselves have given at your bar, it appears, that such, on board an African vessel, is the rate of mortality, that if the march of death were the same in the world at large, the whole human race would be extinguished in fourteen years; and the earth itself be converted to one vast charnel house. Show me a crime of any sort, and in the slave trade I will show you that crime in a state of tenfold aggravation. Give me an instance of guilt atrocious and abhorred, and the slave trade will exhibit instances of that guilt, more inveterate, more strongly rooted in ill, diffusing a more malignant poison, and spreading a deeper horror. All other injustice, all other modes of desolating nature, of blasting the happiness of man, and defeating the purposes of God, lose, in comparison with this, their very name and character of evil. Their taint is too mild to disgust, their deformity is too slight to offend. The shrieks of solitary murder; what are they, when compared with the sounds of horror that daily and nightly descend from the hatch-way of the slave ship! I have heard of the cruelties of the Inquisitions of Portugal and Spain; but what is their scanty account of blood, when compared with that sweep of death, that boundless desolation, which accompanies the negro traffic! Superstition has been called man's chief destroyer; but superstition herself is less obdurate, less persevering, less steadfast in her cruelty, than this cool, reflecting, deliberate, remorseless commerce. It is from the abhorrence I feel of this murderous traffic, that I am anxious, beyond what language can express, that in renouncing we may also abolish. If by measures which zeal may applaud, but Providence must condemn, calamities which are easily conceived, but which I dare not state, should be brought upon our settlements, with what effect, with what possible chance of success, shall we adopt the justly-applauded proposal of applying to other nations for their concurrence in the dereliction of the trade? Should it be asked, from what period I would propose that the abolition should be dated, my answer is (but I speak with hesitation), an interval of three years may, perhaps, on the whole, be the best suited to my view of the subject. Standing as we do on the perilous edge of an untried situation, I shall not be thought

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to have deserted the cause of humanity, if, on behalf of the empire, and with a view to the real interests of the Africans themselves, I solicit this short interval, for the purpose of enabling the legislature to explore and provide against the perils of the change to which they are hastening. Such are the doubts that force themselves on my judgment, in defiance of my feelings. If they are formed on a just conception of the tendency of the measure proposed, the importance of the subject will give them weight with the House; but if, in the course of the debate, they shall be found to have no substantial existence, I shall think the hour that proves them chimerical the happiest of my life.

Colonel *Phipps* said, that if gentlemen considered the slave trade as a question of morality, and were of opinion, that by such trade morality was violated, they ought not, according to their principles, to enter into any compromise about the matter, but should insist upon an immediate abolition. It was odd enough, however, to see that they could compromise not a little with their morality; for when they could not effect that kind of abolition, their morality was so complaisant as to stretch itself, in order to accommodate itself to the views of others; and thus it was ready to consent to the continuance for three years, of a trade which, it was contended, was immoral, cruel, and unjust. In this case, it was evident that gentlemen were not influenced so much by their own reason, as by the petitions on the table; petitions, which he would not hesitate to call ridiculous and contemptible. He did not mean to arraign the right of the subject to petition; but he considered it as restrained to those who had an interest in the thing which was the subject matter of the petition. Was this the case with the present petitioners? By no means: many knew not what they signed, nor were capable of judging in a case of so much importance. Many of them were poor ignorant people; many others mere school-boys, and almost all deluded by persons who went about in search of signatures, and put these questions to the people: as freemen can you be friends to slavery? As christians, can you wish to tolerate murder? As Englishmen, must you not wish for the abolition of a trade which is attended with both? The answer to these short questions was such as was expected by those who put them, and who immediately desired those who thus declared themselves enemies to slavery and to murder, to set their names to a petition for abolishing the slave trade. These deluded people were little aware of the consequences which might attend their signatures: they were little aware that the abolition of the slave trade would subject them to taxes for raising the money to be paid as a compensation to those who should be injured by the abolition! He would vote for the original motion, and against the amendment.

Mr. Ryder and Mr. R. Thornton rose together.

Mr. *Ryder* said, if he intruded himself, he wished to explain the reason. He felt it particularly incumbent on him to speak early, not because he thought he could advance any thing more material than the hon. gentleman who rose at the same time, but because he was in a situation which he hoped many other gentlemen might be in, namely, that of feeling himself, from conviction, impelled to a recantation of those opinions which he had formerly entertained, and spoken, and voted upon. He confessed, when the question had been first brought forward, he was led to form an opinion from the impression that the abolition of the slave trade would induce the utter ruin and destruction of the West India islands, and that had urged him to vote against it; but he did not know whether, in consequence of what he had since heard, any reason would in future induce him to vote otherwise than for the immediate and total abolition. After all the House had heard, the question they had to decide upon was, whether in consequence of the risk of incurring a little inconvenience and a little expense, they were to continue a condemned and a bloody trade, a single moment longer? For his own part, he was ready to declare, that he should not think he discharged his duty, unless he exerted himself upon every occasion to abolish it: by putting an end to it immediately, the planters would be compelled by absolute necessity to treat their slaves with care and tenderness, to use them well, and preserve them, that they might have the benefit of their labour as soon as possible, as they would know they could not procure others at their deaths. Unfortunately, in this question they were compelled to consider the negroes as animals. By fixing no definitive period, no

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abolition would be come to, and the business would be left where it had been before the last decision of the House to abolish itself. With respect to the opinion of the public, he was one of those who considered it as a desirable circumstance to know what the opinion of the public was. It ought, generally speaking, to have weight in the deliberations of parliament. At the same time, he really believed there were petitions sometimes signed by persons, whose aim was to overawe the deliberations of parliament, and such should be treated, as infinitely more dangerous than those of the other description. But he must contend, that every person in the kingdom was interested in the question, as Englishmen, as freemen, and as christians. Should the present amendment, for which he would give his vote, not be successfully maintained, he would give his vote for the next shortest period of the abolition, in doing which he should not consider himself guilty of compromising injustice, but of obtaining some good, when he was defeated in his endeavour to obtain the greatest good. He concluded by declaring his hostility to every argument in support of the trade, being in no degree inclined to hold a balance, with gold in one scale, and blood in the other.

Mr. *Robert Thornton* said, that it had been proposed by the right hon. secretary who had come forward as a mediator between the parties, after a full confession of the enormities of the trade, that they should imbrue their hands in innocent blood, and suspend, for a limited period, the laws of justice and humanity. For his part, he did not know how they could commit murder for the next seven years, in a more comprehensive way than by giving their sanction to that inhuman traffic. Could one man rob another of his liberty without being unjust? What room, then, was there to talk of one moment's delay in abolishing the trade? No gentleman, he hoped, would think of arguing that there was any contract established between the West India planters at the time, and government, or the public. He desired to enter his protest against continuing for one moment longer a trade which had been declared to be unjust. Having rested the question on its proper foundation, he would address himself, as other gentlemen had been obliged to do, a little to the prejudices, the fears, and the interests of the House. Those who thought that so many descriptions of people must be ruined by the abolition, would find, upon farther inquiry, that opinion to be erroneous. The capital of the London, Bristol, and Liverpool merchants, might be diverted into another channel, and new sources of trade with Africa itself, not having a curse annexed to them, would immediately invite the commercial intercourse of this country. But with respect to Africa, she could not be expected to set up an infant trade at the moment they were ravaging her coasts, carrying off her inhabitants, and spreading desolation far and wide. Were that country left in peace and security, she might carry on with this nation, an honourable trade; innumerable articles, such as cotton, rice, wood, indigo, might find their way into our market; and he begged no one would presume to say that men could not work in their own climate, and under their native sun, on whose labour they were said to depend for the support of their West India islands. In those islands the abolition would prove the only effectual regulation of the slavery that must for the present exist, and that he gave as an answer to an hon. gentleman who had stated that a sudden abolition of the trade would operate on the Africans already in slavery, as an increase of toil and an aggravation of their sufferings. He contended that, with good treatment, sufficient food, and some restraints, which morality might dictate, a succession in the islands could easily be kept up. It had indeed been said, that population there would decrease; without some abuse it could not decrease, unless it were an exception to the experience of every other part of the habitable world; and he contended that, even an extended cultivation of the lands might take place. He could not help thus early declaring, that nothing was more absurd than to think of ascertaining the ages of the Africans. He had had an opportunity of seeing the son of king Naimbanna, who was lately come to this country, and it was a fact, that, though in all other respects intelligent, he could not ascertain his own age [the African prince was in the gallery at the time]. He had also talked with several other people who had been acquainted with him in his own country, and he could never make out from them how old he was. If, therefore, the age of the king's son could not be ascertained, there was little reason to hope

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that the ages of inferior persons could be known.—Mr. Thornton then noticed the assertion, that the planters and merchants would run the risk of losing part of their property; he maintained that they would lose none; but, according to the opinion of other gentlemen, they would lose only part of that property, which, though he blamed no individual, had been obtained in a manner that had cost much of the blood of their fellow-creatures. It had been asked who would come forward and grant a compensation? He was ready at a proper time, to come forward and inquire fully into the claims of those who desired to be compensated; but they were first to do right to the Africans, and then inquire whether the African merchants, the ceded islands, or any other parties were likely to be injured. The people of England were called a humane set of people. Liberty was the boast of our island; and it was said that no African was landed on our soil, who did not instantly become free. They were guilty, he said, of a contradiction, as long as they sent those miserable wretches elsewhere into slavery; they were governed by a selfish principle; they could send those wretches out of their sight to be vilified and disgraced, but they did not themselves like to witness their cries, their tears, and all their degradation. He recollected an old motto, "Qui facit per alium, facit per se;" but he trusted the dawning of the day of deliverance was at hand to that degraded and insulted people. Let the House, then, secure to themselves the glory of bringing back to the state of men, a set of people degraded so low, as to raise a doubt whether they were of the same species with themselves; and one noble lord (Sheffield) on that night had even supposed it would be accounted unlawful for the advocates of the abolition to kill beasts for food, still likening the negroes to the brute creation, and arguing that they must not kill beasts if they would not kill men! So hard was it for the noble lord to get rid of prejudices which he had been wont to entertain. Mr. Thornton concluded with saying, he could not bear to look forward to the abolition of the slave trade at any distant period, since he much feared that greater cruelties would, in the mean time, be practised, than had hitherto been committed, and that every evil of which the traffic was productive, would be carried to a greater excess; having, however, no better alternative, he should vote for the shorter period, proposed by the noble lord who made the amendment.

Mr. *East* condemned, as disrespectful to the committee, the present attempt, by a side wind, to get rid of the decision that had been already made on this subject: a decision as solemn as any that had ever taken place in either House of parliament; a decision to which, by a call of the House, every member had been summoned, and which was carried, after the most mature deliberation. The committee rejected the proposition for an immediate abolition, and resolved that it should be gradual; and yet the noble lord had this day brought the same point under discussion again, and if his amendment should be carried, it would have the effect of rendering the abolition immediate, which the committee had formerly resolved should be gradual. This question ought, once for all, to be laid at rest; to keep it alive year after year, could not be attended with any good consequences, but might be productive of much mischief. The petitions on the table were urged as reasons for the abolition, but such reasons might be carried too far; for if it was argued that the voice of the people ought to prevail, and that parliament ought to do whatever it was required by numerous bodies of petitioners to do, then the deliberative faculty of parliament must be destroyed; for it must attend to the demands of the people, not for the purpose of weighing them, but for that of granting them without any deliberation at all. Adhering to the spirit of the vote, which the committee had once already given on this subject, he would vote for the original motion, and consequently against the amendment.

Mr. *William Smith* said:—Although, Sir, after the close attention which for some years past I have bestowed on this most important subject, I think I have attained a competent knowledge of its various branches; yet, considering how fully, with how much eloquence and ability, it has been already treated by gentlemen of the first talents in this kingdom, I feel that it would be unpardonable in me to waste the time of the committee by entering again on so wide a field; but, Sir, as I cannot excuse myself from once more delivering my sentiments on a matter which of all public objects lies nearest to my heart, I hope the committee will afford me their attention while I take a view

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of the question as shortly as possible, in the very narrow ground into which it appears to me to be now reduced. Before I enter, however, on the subject itself, I feel myself compelled to say a few words on the petitions which are before the House, and the very improper manner in which some gentlemen have taken the liberty of mentioning them. Sir, respecting the petitions there are two questions: the mode in which they have been obtained; and the regard which is due to petitions in general, supposing them to be genuine expressions of the public opinion. As to the first point, the objections which gentlemen with all their industry have been able to muster, are too few, too unimportant, and too unsupported, to require any particular reply, but were they more numerous and fully proved, certainly in a case like this I should not feel myself bound to defend every circumstance relating to each petition, or to argue that among so great a number, no irregularities may have occurred from the zeal of any individuals; but, Sir, on this head, as well as others, the cause is abundantly strong for its own support, and needs no aid of mine. Let gentlemen but look to the pile on our table; let them observe by what multitudes, they are signed, how respectable are the places from whence they have been sent: not merely villages or country towns, as one hon. gentleman has insinuated, but also from the most rich and populous manufacturing and commercial cities in the kingdom (those two which are directly engaged in the trade alone excepted), from the metropolis itself, notwithstanding every effort which could be used to prevent it; let gentlemen, I say, advert to these circumstances, and then persuade themselves, if it be possible, that the mere efforts of any society (and how much less of any itinerant individuals), could have produced such an effect throughout this whole kingdom. I say, Sir, the whole kingdom; for though the concurrence of sentiment is undoubtedly very general in the southern part of this island, it is yet nothing to that perfect unanimity which prevails on the subject among our brethren in the north. In Scotland, one mind pervades the whole country and I am sure that were a right hon. gentleman (Mr. Dundas) as thoroughly convinced of this fact as I am, he would see no reason to treat with any degree of levity the opinions of his countrymen on this subject. Sir, the fact undoubtedly is, that the public being now acquainted with the real nature of that traffic which we seek to destroy, is equally zealous with ourselves for its entire destruction; convinced by the result of those long and laborious investigations, on the details of which I have already declined to enter. The country has already determined that the slave trade shall be destroyed; and, whatever may be urged to the contrary, this subject is undoubtedly one on which any man, with the common feelings and common understanding of a man, is as competent to form a judgment as the greatest politician in this House.—And this leads to the next point, what is the regard which representatives are bound to pay to the acknowledged sentiments of their constituents? And here, Sir, I own I think it the safest and the wisest doctrine, and most conformable to the constitution of this House as a deliberative assembly, that on all matters of general and national concern, each member should hold himself bound to decide only as the dictates of his own judgment and conscience shall direct after the discussion of the affair, paying, however, all due respect to the advice of his constituents, and recollecting that if he takes the liberty of judging for himself, he has no right whatsoever to complain if they, on finding great dissimilarity of opinion, think fit, on any other occasion, to seek for a representative, of sentiments more congenial to their own. I should perhaps applaud, Sir, the fortitude of the man who, on sound and just principles, and on great occasions, should voluntarily incur such a risk; but if I could suppose that there were within these walls a single gentleman who stood indebted for his fear to himself alone, and while he pretended to represent the people of England, was in fact only his own representative, I own, I should not be able to perceive any great magnanimity in slighting the requests of his nominal constituents; I acknowledge that I could never discover a very superior degree of courage in braving no danger. And now, Sir, though I am far from intending to discuss minutely the propositions of the right hon. gentleman, I must beg to be indulged in making on them one remark—that whatever I may think of his proposal for the farther continuance of this trade, in whatever light I may regard his scheme for purchasing negroes at certain ages only, without the bare possibility of ascertaining their ages at all, or of taking only one descrip-

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tion of persons, where it is the very foundation stone of the trade, and almost inseparable from its very nature, to accept all that are offered; yet, Sir, I must acknowledge that there is certainly a most happy congruity between his means and his end. The right hon. gentleman proves and acknowledges himself, that the old English islands have practically confessed they are not in want of more slaves to keep up their present cultivation; he has brought forward and admitted accounts, from which I could, and I am sure another right hon. gentleman will, to conviction, prove, that Jamaica is, if possible, in still less necessity than they. He professes not to allow of importation for the sake of breaking up new lands, and he admits that the ceded islands form a case by themselves, which may probably be entitled to a distinct consideration, perhaps to compensation; from all which I should infer, and I hope the House will do so too, that no necessity exists for retaining the trade at all. The right hon. gentleman, one would imagine, concurred also in this opinion; for, though he seems desirous of continuing some importation for a few years longer, yet as he has proved that there exists no occasion for any farther supply, so he proposes to derive that supply from a class of men who do not exist; I say, do not exist, for I defy the right hon. gentleman to produce, from the whole body of testimony on the table, as much evidence of the existence of a race of men in Africa actually bred for sale, as would be sufficient in this country to dislodge a beggar from his stand, or a gypsey from her hedge: and yet on such slight and random assertions does the hon. gentleman propose to drag away from their native country for years to come thousands of our fellow-creatures, against whom not even the pretence or shadow of a crime is alleged; thus transferring to acknowledged innocence what has hitherto been chiefly defended as the punishment of guilt, and destroying the only plausible pretext which has yet been left to the advocates of this abominable system.

I will here, Sir, leave the propositions, because I cannot discover in them any thing else which materially changes the ground of argument, or which ought to persuade those who on general principles, detest this whole business, to permit its continuance for one single hour; and seeing that the whole matter is now brought into the narrow question between immediate and gradual abolition, I shall confine myself entirely to some remarks on the arguments which have been adduced for the latter, and which I think may be reduced to two. Humanity towards Africa, and justice to the West Indies. Sir, as the idea of continuing this trade for the sake of humanity would have been in every possible combination, the very last which would have entered my mind, as I think it the topmost step in that climax of paradoxes, to which the defence of what is indefensible has given birth; I confess I should have much wondered, that any of the able advocates of this traffic, should have selected such a station of defence, if I had not observed, that this miserable business has had as fatal an effect in perverting the reason and understanding of the wise, as in destroying the principles and morals of the ignorant. Instances of this, Sir, are perpetual. Famines have been said to be prevalent in Africa, although the country be both extensive and fertile. What remedy is proposed—what preventive measures are suggested? Better modes of agriculture doubtless, and increase of industry. Alas! Sir, no such thing—instead of cultivating the mind or invigorating the hands, nothing is thought of but to carry off the mouths. Depopulate the country, that its inhabitants may not be starved. Other persons, Sir, taking advantage of that concession which we are compelled to make, and to lament the existence of more natural evil than our utmost efforts can eradicate, deduce from it, what inference? That it is permitted by the great and wise arbiter of human affairs, as a field for the exercise of virtue? to produce patience and fortitude in the sufferer, to excite compassionate sympathy and active benevolence in those who have the ability to relieve? Not one such idea enters their minds. Their argument leads to the direct conclusion that it is permitted for its own sake, and they who endeavour to alleviate the miseries of mankind are wild sectaries, absurd fanatics, raving enthusiasts, who know nothing of life in comparison with their wise, cool, humane antagonists, who as these miseries press not on themselves are too prudent to attempt the application of visionary remedies to necessary evils, and too pious and resigned to the will of Heaven to attempt disturbing the ordinary course of providence. I own, Sir, I have never thought such reflections worthy of any serious answer,—and I shall ever be perfectly willing to rank

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with such sectaries as my hon. friend; such fanatics as the right hon. the chancellor of the exchequer: such enthusiasts as the right hon. gentleman opposite (Mr. Fox), without apprehending any great danger from such attacks on my understanding or reputation. Again, Sir, with respect to testimony. In ordinary cases, in common cases, we naturally give the preference to that which best agrees with rational theory, and where the witness appears least interested; and if both these circumstances be combined, we do not hesitate which to prefer; but in this African business, we are required by its supporters, in defiance of every antecedent probability, confirmed by impartial evidence, to give credit to the random and vague assertions of slave buyers and slave carriers, of things almost impossible—that in Africa, causes will not produce their natural effects—that avarice will not yield to the offers of advantage, nor crimes multiply in proportion to the frequency and strength of temptation, and all this too when the very witnesses contradict each other. Do persons even on their own side describe the state of slaves to be scarcely distinguishable from that of their masters—do they represent them as naturally indolent, yet living in tolerable plenty as attached to their native soil, and quitting it almost with desperation. We are yet told their happiness is increased by being torn from it, and compelled to hard labour for the benefit of strangers, in a foreign land—and then, Sir, we and they are farther insulted by being assured that their moral character is improved, and their rank in the scale of beings raised by this industry so forced upon them by the terrors of the lash. Though the accounts on the table prove, in direct contradiction to the hypothesis of an hon. gentleman (Mr. Jenkinson), that even since all our regulations, one tenth die on the passage, and one third of the less happy remain within three years, gentlemen would attempt to persuade us that this quadruple decimation, this sacrifice of forty in every hundred, is no punishment to them, and that though under our management, near or quite half of these poor wretches die miserable in so short a period—it is yet doing them a favour to bring them from Africa! Sir, when all these particulars are maintained, I can no longer be surprised at the use of the general plea of humanity. But let all the extravagances that have been asserted of that country, to maintain this plea, be allowed—to what cause is all this misery to be ascribed? Let Mr. Edwards, while he asserts the facts, assign the reason too. His testimony at least is not to be suspected of partiality to our cause. He at least has not been bribed by the society in the Old Jewry, to support every tittle of their evidence, respecting the effects of the slave trade in Africa, and to deprive the planters of all pretence for denying those effects. Says Mr. Edwards in his speech to the Jamaica assembly, "Mr. Wilberforce has been very rightly informed as to the manner in which slaves are generally procured; the intelligence I have collected from my own negroes, abundantly confirms his account; and I have not the smallest doubt, that in Africa, the effects of this trade are precisely as he represents them." Sir, the whole of that immense continent is a field of warfare and desolation; a wilderness in which the inhabitants are wolves towards each other. That this scene of oppression, fraud, treachery and blood, if not originally occasioned, is in part, I will not say wholly, upheld by the slave trade, I dare not dispute. Every man in the sugar islands may be convinced, that it is, who will inquire of any African negroes on their first arrival, concerning the circumstance of their captivity. The assertion that a great many of these are criminals and convicts is mockery and insult. Now, Sir, after this ever memorable concession of, perhaps, the ablest champion who has ever entered the lists in favour of this business, is it not the very height of absurdity to pretend to maintain such a system for humanity's sake? Assuredly, Sir, we ought to have commenced this controversy by a definition of terms: it is impossible that we and our adversaries can affix the same ideas to the words humanity and civilization? Is humanity gratified by such practices as Mr. Edwards admits? Is civilization to be accelerated by persisting in a system which upholds oppression, fraud, &c.? Are men civilized by rendering them wolves to each other? Are the interests of humanity to be advanced, by keeping a whole continent in a state of warfare and desolation? How, Sir, can we suffer our reason to be insulted by such pretences as these.

But, Sir, gentlemen say that Africa having been long in these habits, we must keep up our intercourse, to wean her from them. What, Sir, can we keep up no in-

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tercourse but this? Are we then reduced so low, that having for so many years maintained on that unhappy coast, a number of prisons called forts for the purpose of supporting this accursed system, we must now instantly abandon them, if it is to be abandoned? No surely, Sir, let us not deny to ourselves, and to the country, the pleasure of retaining them somewhat longer for a different end. Where the bloody flag of rapine has so long been hoisted, let us now haste to display the standard of industry, the olive branch of peace. Let us henceforth use these strong holds of oppression, to assist in correcting those habits of violence which we have encouraged, in some degree to compensate to the natives for the innumerable miseries which our intercourse with them has occasioned; till by this happy matamorphosis, it shall come to be said of each of these instruments of tyranny, as it once was of the spear of Romulus, when planted on the Palatine Hill,

"Et jam non telum, sed visu nobilis arbor,
"Non expectatas dabit anhelantibus umbras.

But, Sir, laying aside all these arguments, supposing it even to be out of our power to do any thing immediately to correct the state of Africa; if gentlemen are really sincere in their plea of humanity, if their only fear be truly of the immense slaughter which our dereliction of the trade may occasion on the coast, let me yet for a few moments request their attention to one other consideration. The most sanguine advocate for African barbarity will hardly contend, that all or even any very large portion of those now offered to the Guinea ships, would be put to death, if not sold. Let them seriously reflect that of the 80,000 nearly which are now carried off by Europeans, near a tenth die in the passage, and that within three years, about thirty thousand of the number are miserably swept out of existence. Now, Sir, I will take on me to defy the whole host of my antagonists to persuade, not the country, not the House, but even themselves, that with all their supposed massacres, their imagined sacrifices, their storied famines, and their real executions, a number in any degree comparable to this, would be destroyed in the first, or even in the ten years, to say nothing of the benefit and security which would immediately begin to dawn in the country, and farther, if as they confidently assert, our dereliction would not entirely abolish the trade—if other nations would still persist, though immediate here, it would with respect to Africa be gradual, and there would doubtless remain a sufficient demand, to prevent all chance of massacres, by carrying off all such as would otherwise be in danger of death.

Having thus, I hope pretty clearly, exposed the futility of the plea of humanity to Africa, set up, as I confess I think it it has been, in utter defiance of common understanding, I will conclude with considering very shortly the case of the West Indies; and here, Sir, notwithstanding it has been proved irrefragably to my conception by the right hon. gentleman, that their interests, so far from opposing, absolutely demand the abolition; that in every care and tenderness to them, we should not delay to pass this vote, yet, Sir, I will wave this advantage and allow that by some individuals among them, at least, a degree of injury may be sustained —it may be well asked first, Sir, do we abolish this trade, because it is a crime in us to persist in it? Can it then be otherwise than a crime in them too? And can they demand compensation from us, because we deny to them the permission of being accessaries to, if not principals in, the commission of it, because we refuse them the liberty of purchasing men, whom they may, nay whom Mr. Edwards tells us they do know, are acquired by fraud, rapine, treachery, and blood? Good Heaven, Sir, if this be not another, and a flagrant instance of that dreadful perversion of the moral sense, to which I have before alluded, I shall seek one in vain. But, Sir, if this point be contested with me; if it be said, that in full possession of these facts, they are yet innocent in buying what we offer to sell, and even in soliciting us to continue the trade, I will concede all this too. I will acknowledge for argument's sake, that we are tied up by act of parliament to continue to rob, plunder, and murder for ever, for the benefit of others, unless we buy the privilege of future innocence from our accomplices in this guilt. What, then, Sir, having thus conceded every thing as to the West Indies, what does it prove with respect to the point in question? Sir, as has been well observed before, if we are to compensate the losses of the West Indies, must it be at the expense of Africa? The idea is too extravagant and monstrous; and if this House should resolve on persisting

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in the trade on this ground, we never shall be able to obtain any credit with the nation for such a reason as this. We may injure our own characters in the eyes of our countrymen, but we cannot persuade them that evil is good and good is evil. We cannot persuade them or the world, that what we have resolved to abolish, because it is unjust and unhuman, we ought to continue any longer to practise, because it is pretended to be politic. Sir, another gentleman, who has just sat down, complained that we had acted improperly in holding out to the House that this question would never be at rest till we had gained our point; for that whenever any measure was proposed, from the agitation of which much danger was apprehended, the House might always be browbeat, as it were, into compliance by such threats as these, Sir, the hon. gentleman mistakes both our principle, and, I think, the fact also. We do not mean to use any threats whatever; but we do mean to say that knowing we have gained strength on every trial, knowing that the country is completely on our side, for these reasons we conceive it to be our indispensable duty to persist till we succeed; but that no cause which had not justice to support it could possibly expect to succeed by such means, but must necessarily sink in the public esteem on every failure, till at last it would fall into utter contempt,

And now, Sir, by way of conclusion, let me intreat every gentleman for himself, as he values the principles of justice and the claims of humanity, as he values the honour of his country, as he values what must be closely connected with his vote on this subject; when he shall coolly reflect on it hereafter, as he values his own peace of mind, let me intreat, let me conjure every gentleman in this House, before he shall determine to continue but for one other year, or even month, the existence of this execrable traffic, to put the question home individually to his own bosom! Let no man here imagine himself sanctioned by example or defended by numbers; but let him ask himself, if his own wife or his own daughter were one of the trembling thousand, whom our ruthless and flinty vote is about to tear from their families, and consign to all the horrors of foreign slavery? Were that the case, Sir, how would he then act? Would he then be satisfied with the flimsy pretences of slave dealers, or the cries for compensation from the whole West Indies. I can only once more earnestly solicit every man to give full and free scope to the unsophisticated feelings of his heart, to the plain dictates of conscience, and I think I can see the result; but really, Sir, if gentlemen will suffer these sentiments to be stifled by what they may deem considerations of policy; if they will not seriously attend to the voice of this inward monitor I cannot hope "that they will be persuaded though one should rise from the dead."

Mr. *Windham* said, that there had been so much strength of argument used in the discussion of this question on one side, that he had declined taking any part in the former debates, and this reluctance to rise proceeded from an idea, that independent of the solid reasoning, the eloquence, and the ability which had been exerted in favour of the abolition of the slave trade, the bare statement of facts so enormous and atrocious, as appeared by the evidence ever to have been inseparable from that trade, was sufficient to have convinced the most obdurate supporters of African slavery, that a continuance of so iniquitous a traffic for a single moment longer, was unjust, inhuman, and not to be defended upon any principle whatever. He owned, however, that he was now relieved from that reluctance to rise, by the turn which the debate seemed that night to take, and which made him rather consider it his duty to offer his sentiments, because he saw something like signs of relapsing from what he thought had already been perfectly understood as the sense of the House, as well as the avowed opinion of the country at large—that the slave trade ought to be abolished. The necessity for an immediate abolition had been enforced by truths so strong and incontrovertible, that they surpassed even all the effects which the greatest eloquence and the best reasoning could produce. This evidence the House were in possession of before they came to any vote on the question; but they now had before them much new matter, which the discussion had, from time to time, brought out, and which must remove all doubts, if any there were, on the subject. It had been endeavoured to argue this question as a matter of landed and commercial interests; and this species of argument was opposed to the dignity, the honour, and the justice of a great country—to the laws of nations and of nature—to the welfare

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and liberty of mankind—and, he might say, to the conscience of mankind at large. Some, who were enemies to the abolition, had introduced a sort of argument which never ought to pass unnoticed, and that with a tone of superiority, which they had no right to. They had spoken as if those who were against the abolition were the only men in that House who possessed wisdom or knowledge of the subject, and that the advocates for immediate abolition were but visionary enthusiasts, attached to an experiment which they had neither judgment nor foresight enough to enable them to decide upon. Against this mode of argument he entered his most decided protest, and ever would resist it, as an attempt to degrade virtue into a connection with folly. Arguments had likewise been urged to prove that policy did not always accompany morality; but he would maintain, that they were inseparable. However, to those who argued the policy of the slave trade, he must say that their arguments appeared to arise more from interest than morality; and he must remind them, that the narrowest and most uncultivated minds were perfectly equal to matters of interest, and generally most addicted to such considerations. They likewise seemed to entertain an idea that it was not statesman-like to attend to any system or proposition, however conformable to the general freedom and welfare of mankind, that did not suit with what they consider the immediate policy of the moment. If it was worth while, he could go at large into this sort of reasoning, but he considered it unnecessary; and as to morality, he would assert, that nations were, and ought to be, more bound by morality than individuals. Amongst private persons, and in common concerns, morality would take care of itself. If one man breaks into another's house and steals from him, he knows what he has to expect for his conduct: he would find morality a kind of retail trade, that would soon bring a return.—The principle upon which he considered the House to act, in their present situation, was a principle of duty without an option; they must put an end to injustice against the Africans, without consulting the West Indies. If they did not, they gave a sanction to robbery, murder, cruelty, and injustice, as was proved by facts stronger than any thing he could state. And that this was the opinion of the House was already ascertained; for they had decided, after ample discussion, that the trade must be abolished. The only difficulty that could occur was, in what way to do it. If they acted, as he trusted they would do, upon the principle of duty, they would take the most speedy and effectual mode, by immediate abolition, against which no one solid argument had yet been offered. It had been endeavoured to state, that we were in some degree at the mercy of the colonies, and that without their consent our attempts would be nugatory. If this was really the case, he should be very sorry; but he knew it was not. And why ought we to consult them, after having agreed, on all sides, that extending their cultivation was no good cause for continuing the slave trade, and when we know that to be almost the only reason they can give for importing more negroes? There could be no propriety in trusting to their compliance, when we must know that what they erroneously thought their interest was directly contrary to the declared opinion of that House. If, in future, they could reconcile the colonies to their opinion, which he had no doubt might soon happen, it would be desirable; but certainly the character, the honour, and the justice of this country, were not to be put in competition with the prejudices of the West-India planters or African traders. With regard to delaying the period for abolition, no real argument had been offered for that point; and he trusted it would not be said that the period of a few years for abolition is nothing, when compared to the space of time in which they have been accustomed to slavery; arguing thus, that because they had long suffered under their misfortunes, there was no great harm in continuing the trade a little longer; like the person who, when charged with cruelty for skinning eels alive, answered, "they are used to it." If such an argument was started, he would desire gentlemen to recollect, not only how many thousands were now suffering under injuries by that trade, but likewise how many thousands more of their fellow-creatures may be doomed to the same sufferings, by their vote of to-night, if it was, as he hoped in God it would not be for continuing the African slave trade a moment longer. It was not, to be sure, in their power to give redress to those who had already suffered; but how could they account to their own consciences for the injuries of those who might in future be imported, if they continued the trade for

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years? The proofs of their sufferings were so strong, and the scenes of horror exhibited in evidence so monstrous, combining at once all the diseases of an hospital, and the confinement and chains of the most loathsome gaol! Was this, he would ask, a situation to place innocent men in—was this fit for their fellow-creatures—or rather, did it not more resemble the regions of the damned? He then made some observations on the interests of the West-India planters, and those concerned in the African trade, whom individually, or collectively, he had no intention to reflect upon; but upon the arguments formerly used, and reinforced by the new facts which had come out, he grounded his wishes that the House might exercise the power that they possessed, in immediately remedying the most flagrant and nefarious injustice, by a trade that must, while it exists, degrade and disgrace the country. There had, indeed, been an attempt made to plead the justice that was due to the West-India planters, but the sympathy that was shown for them, he thought, was of a very interested kind. Those who argued for it seemed to be sensible that it was possible they might be West-India planters, but they did not allow themselves to think of being African slaves. With regard to compensation, he believed the House and the country would act as became them; but that was a matter not now before them. He only called upon the committee to act from principle and duty; and he would leave the question here, convinced that sufficient arguments had already been used to confirm gentlemen in what way their votes should be given.

Mr. *Pitt* said, that, much as he had trespassed on the time and patience of the committee before, he felt it his indispensable duty to trouble them still farther on the same subject. The arguments of the hon. gentleman who had just sat down were of such force, and delivered in such a manner, as entitled them to much weight with the House. As to what that hon. gentleman had said about statesman-like conduct, he had not the least hesitation in declaring, that considerations of humanity and justice would always regulate his conduct upon every occasion, more than any other consideration whatever; and he would feel still more ashamed, and almost think an apology to himself necessary, were he obliged to state that he never would allow the cause of justice and humanity to be superseded in his mind by any policy, far less a policy that might be asserted, but never existed, as in this case. As to the slave trade, it was already the decided opinion of the House, that it must be abolished, so that the abolition now was not so much the question, as the manner in which it ought to be effected. In other words, they had only to consider whether they were to agree to a compromise, as held out by his right hon. friend, which he, for one, and those who were for the abolition, never would do, or, to adopt the amendment of his noble friend, which went at once to the great object of their wishes, an immediate abolition. The principle of duty upon which the honourable gentleman had called them to act, was expressly what he wished, because that was the only principle upon which they ought to act, and by which the propriety and the certainty of their determination would be regulated. He asked no more of them. If it was necessary to argue the point of form, and the regularity of their proceedings, he contended, that the result would be favourable to his wishes for an immediate abolition; but those who endeavoured to argue form against substance, would find as little assistance from that mode, as he trusted they would have from their other reasonings. If the trade ought to be abolished on the 1st of January, 1800, why ought it not to be put an end to on the 1st of January, 1793; or rather, the injustice and impropriety of continuing the slave trade being decided, why ought it not to be abolished by the vote of this night? This would be understood as an abolition; but of what was meant by the word gradual, no one had yet pretended to give any definitive explanation. Form was certainly useful and necessary, but in attending to the regularity of proceedings they must not forget the substance. Nor would he allow that there was any inconsistency in first agreeing to a proposition, and then relinquishing it, after being convinced that both its practice and tendency were injurious. If, for instance, he had agreed to a bill on this subject being brought in, or had proposed a new duty, or tax to be laid on any article, but found from new matter in the progress of discussion, that from existing circumstances it was improper and injudicious, would he be liable to a charge of inconsistency if he altered his mind, and gave it up? Certainly not. But an

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hon. friend of his had charged him and others with inconsistency in this way; he had said, how can those who contend for an immediate abolition satisfy their consciences with a gradual abolition in two or three years? Certainly, if it was in their power to obtain an abolition, they never could satisfy their consciences were they to accept of any delay; but if it was not in their power, as might happen, though he sincerely trusted it would not, what could they do but accept of the most speedy means that they could get to make the abolition certain and effectual? He stated the respect he entertained for the pride, the dignity, and the honour of that House, and his desire that they never might come to any resolution but from conviction of its rectitude: however, an attempt had been made to show that unfair and improper means had been used to influence the House in their vote on this question; for his own part, he neither saw nor would have agreed to any such undue influence, and would therefore resist any attempt to support such an argument. He knew of no such ferments without doors as were said to be stirred up on this business, nor any arts employed to obtain petitions. On the subject of petitions, he would plainly and concisely state his own opinion, which was, that they did not at all weigh with him either one way or other, in making up his mind on the question of abolition: but he considered them as a voluntary testimony of the humanity and benevolence of the people, and believed them to be their sincere and honest sentiments. If not, they must be a sad mass of unnecessary and impertinent hypocrisy indeed. But even giving a full scope to the arguments of the hon. gentleman, and supposing that the petitioners had been told, that by the abolition of the slave trade, a compensation must be raised by taxes upon them, then if the table was covered, and the House filled with petitions against the abolition, he, and those who thought with him, would pay no regard to those petitions, because they never would barter justice for popular clamour, or the honour of the country for the interest of individuals. He contended that there was not in all that had been said, any thing that could justify the least delay in the abolition of a traffic so disgraceful and unjust. The mode therefore of doing it was all that they had to consider. It had been said, that it is impracticable without the consent of the West India proprietors. This he denied, and could never agree to, because referring it to them, or trusting it to their compliance, was absurd in the extreme, when their sentiments, and, as they seemed to think, their interests, were directly against the abolition. In his opinion the abolition was vested in parliament, and he trusted they would be cautious how they parted with it, or rendered it nugatory, by referring what they certainly were competent judges of to others who were not likely to judge so impartially. They ought to consider themselves as the authors of that trade, and being now fully convinced of its cruelty and injustice, it was their duty to put an end to it. Were the West India planters to be consulted, they might think differently; but that House had examined into the nature of the trade sufficiently, in his mind, to enable them to decide. He entreated, therefore, that gentlemen would not listen to arguments of expediency which had been already completely discussed and decided. The question now before them was not one of expediency but of justice, which he hoped that House would never lose sight of.—Having said thus much, he pledged himself to prove that the abolition must, in the result, prove advantageous to the planters, although their prejudices made them think otherwise, and while those prejudices existed so strongly as they were known to do, it would be in vain for this country to consult them. It would be applying to a wrong channel for advice or information, and trusting to delusive hopes of success, in the great cause of humanity and justice. He contended that the importation of slaves into the West India islands was carried on for the purpose of extending the cultivation, and was not at all necessary to keep up the present stock of negroes. By the accounts on the table, he undertook to prove that the state of the islands for several years back warranted him in saying, that they were able to sustain their present population, although the early prejudices which the planters imbibed might lead them to think it impossible without farther importation. He proved, by the papers on the table, that, in all the old islands, except Jamaica, the exports had equalled the imports for many years back; in many of them that there remained none of those imported; and as to Jamaica, the reason why the importa-

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tion was so great there, was for that very cause which the opponents of the abolition had themselves abandoned, clearing new grounds and extending the cultivation of the island. Why, then, the abolition ought to be gradual he could not imagine. He hoped the same majority of the House, who voted for the gradual, would now see the propriety of voting for the immediate abolition.—There were only two possible grounds upon which they could support a gradual abolition; the one was, that an increase of importation was necessary for extending cultivation in the islands; and the other, that importation was necessary to keep up the present stock of neegroes. Now, as the first of these was conceded, and the other he would undertake to prove to be false, he must conclude, that any man acted inconsistently who did not change his vote, from conviction; and when he said this, he wished gentlemen to study real and not nominal consistency. In this case, he would rely upon having a great majority that night. Having argued generally the evidence in support of his statement and calculations respecting the old islands, he went into a minute detail of the particular articles from which he drew his conclusions. Barbadoes, for six years previous to the discussion of the slave trade in that House, had required only about 200 negroes, and by another account he proved, that in all the islands, except four, there had been no importation at all. From these accounts, founded on practice and experience, facts were adduced, too strong to be controverted by mere allegations or prejudices; and he maintained, that abolishing the importation of slaves, in an interested view, was harmless to the planters, and that encouraging a superfluous importation, was injurious to their capital; from all which, he trusted the immediate abolition would be voted.—He returned to the system of the Jamaica planters, and accounted for their great importation, from a fact brought out upon investigation, which was, that they had imported five times the number of slaves into Jamaica in the last three years, than into all the other islands, not to keep up the population, but to extend the cultivation; for he proved, that in 1787, that island, as well as all the others, could keep up its stock of negroes perfectly well. In support of this, he quoted the opinion of Mr. Long, the intelligent historian of Jamaica, who said, that if the equality of the sexes was nearly preserved, the population would increase. He likewise gave the authority of the committee, who reported after the regulating act took place, and the statement of governor Edwards; the inference he drew from all which was in favour of immediate abolition; and he contended, that his evidence was conclusive and undeniable. He likewise said, that one free negro was worth twice as much as one of the African slaves. He ridiculed the idea of being bound by the grants mentioned, and thought that grants, founded on a false and imprudent system, could not bind any country, nor could they be too soon repealed. With regard to compensation, he held out no promises or assurances on that head, nor did he canvass for votes in favour of immediate abolition, by offering compensation; when that question came to be argued, it no doubt would be treated fairly and fully. He was, however, none of those who thought there was any danger that the compensation necessary to be allowed to the ceded islands, could create a debt which this country was unable to pay, and hoped it never would be argued that we must refuse justice to the aggrieved Africans, lest we should interfere with the interests of West India planters; such doctrines would ill suit the present and progressive prosperity of this country, and could not expect support from him. Extending the cultivation, he said, was destructive to the slaves, and ruinous to the projectors in the ceded islands particularly. It was well known, that in Dominica great loss of slaves and want of capital had been the consequence of such projects. In Grenada, there was very little ground uncultivated; in St. Vincent's the same; and in all those islands there was no such disparity between the numbers of the sexes, as to give any alarm about a decrease of population. He contended, that the plan of cultivation might be altered without loss to the proprietors; though sugars would not grow in all places where cotton would, cotton would be found to answer wherever sugar could be raised, and for this mode Grenada was particularly well adapted; and it was notorious that the same number of hands could cultivate three acres of cotton that one acre of sugar required. He might likewise add, that too much cotton could not be raised, the demand of our manufacturers at home being so great. He

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trusted they would not look to the future, and disregard the present state, of population, which was increasing; and the equality of the sexes would take place the moment they stopped the trade, and the islands ceased to suffer the loss occasioned by the seasoning of the slaves and their diseases in the middle passage. He had, he contended, shown the means of an early, certain, and progressive increase of the population of the negroes; which never would be practicable, while they were pouring in all those recruits, to augment the diseases that diminish their numbers in so great a degree. Dominica had been proved to have been in a state of increase during the last six years, and at present it actually maintained its numbers. There were many other points which he could mention that would tend to prove the proposition he had attempted to establish. The parliament of England had acknowledged that the trade was contrary to every principle of humanity, religion, and justice. They were desired, he remarked, to have recourse to the means that led to the end, whereas those means were but the consequence of the end that he wished to be obtained. The planters, who conceived an abolition to be destructive and ruinous to their properties, if they more nearly examined the matter, would find that it was a measure wise and salutary. He called upon the friends to the abolition to follow up the cause they had espoused. He affirmed that no reasonable man, upon a moment's reflection, could entertain a doubt of the necessity of a complete and immediate abolition. He concluded, by pressing the committee to come to a vote for immediate abolition, as necessary to the honour, the justice, and humanity of the nation, and as no ways dangerous to the colonies; and called upon gentlemen to make a solemn appeal to their own hearts, as if before that great tribunal where they must all at last account for their actions, and then say whether there had been any arguments used that ought to induce them, from motives of interest, policy, or expediency, to continue any longer, a traffic so horrid, barbarous, and inhuman.

Sir *James Johnstone* said, he was convinced that the slave trade should be abolished immediately. He stated, that in a plantation of his own in the West Indies, he had introduced the plough, and he had found his grounds produced more sugar than when cultivated by negroes. He concluded with declaring his opinion, that if it were to be immediately abolished, it would be as much to the advantage of the planter, as for the honour of Great Britain.

Mr. *Dundas* said, his right hon. friend had stated the question fairly, and he was ready to argue it on the ground to which he had reduced it. It was clearly decided that the trade ought to be abolished, and the point now at issue was, the mode of abolishing it. He would even go farther, and admit the question to be, in what manner could the abolition be most speedily effected? In this way he himself had put it, when he proposed the amendment of gradual for immediate, on the fullest conviction, that unless the planters could be induced to go hand in hand with parliament, it would never be abolished. On the question of humanity there could not be two opinions; but how did gentlemen understand this question? Did they think it enough to wash their own hands of the trade? Would its being immediately renounced by Great Britain satisfy their humanity? Or would they not think the ends of humanity more completely answered if, by a moderate continuance of it for a short time by this country, the general abolition could be sooner effected with greater certainty and speed, than by any other mode? This was what he meant to argue; and unless time were given for the persons interested to convince themselves of the practicability of abolition without injury to their property, the experiment of the practicability would never be made at all. The hon. baronet who spoke before him, had tried the plough with success, as a substitute for manual labour, and expressed his hopes that others would do the same. But to do this, they must be led by degrees; they must not be compelled by a hasty and immediate abolition. Parliament must not attempt to drive them to such experiments, for the attempt would be ineffectual. If not supplied with negroes by Great Britain, they would by other nations. Were the Dutch so regardless of profit as to refuse to carry negroes where they would find a ready market? Was it to be imagined that the Americans were so favourably disposed towards this country as to resist the temptation of forming so valuable a connexion with our colonies? A connexion once begun by supplying them with negroes would not end there; and we might lose the West Indies without accomplishing

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our object. In answer to this, it was said that we had prevented them from being supplied with provisions and lumber from the American States; but was it quite certain that we had done this entirely? Besides, the cases were not parallel: for our islands got provisions from Great Britain and from Ireland; so that if we had shut up one source, others were still open. But by abolishing the slave trade it was proposed to cut them off from every means of supply whatever. This, he was persuaded, we had not the means of doing and anxious as he was for the abolition of the slave trade, in proportion as he wished the experiment for abolishing it to succeed, he wished it to be fairly tried. If it was said that the trade was so repugnant to justice and humanity, that it ought not to be tolerated for a moment, to what end had the House been examining witnesses and collecting evidence for four years? If the abstract principles of justice and humanity were alone sufficient to condemn it, this was surely time mispent. By the very circumstance of going into the inquiry, and continuing it so long, they admitted that the best and latest mode of putting an end to the trade was a fit object of their consideration. We might say, that we would seize and confiscate all ships carrying negroes to our colonies. These ships must be condemned in West-India courts; and where men's minds were strongly prejudiced, where they thought that they were suffering injustice from the mother country, and obtaining relief from other quarters, it was not too much to suppose, that the decisions both of juries and of judges might be influenced by these prejudices. In short, the power of this country to prevent the islands from being supplied with negroes by other nations, was not a desirable thing to bring to trial. All the arguments on one side had gone to say, that it was a question that could not admit of any discretion or modification whatever in its consideration. He was of a different opinion. For some years past, every argument that had been urged that day, as to the abstract propriety of the trade and its humanity, might have been argued, since it was not less improper nor less inhuman four years ago than at present; it was not in the abstract point of view that they ought to regard the subject, but to see what mode of abolition would be the most practicable and most likely to ensure its success. He contended that the effect of the merit of the plan which he proposed, would be to shorten the duration of the trade itself. He begged leave to recur to an argument he had urged the other night, viz., the situation into which the immediate abolition would put the West India planters, with respect to their creditors, and which, he said, would operate so as to disable the former from the power of adopting the regulations which the abolition would render necessary, and which it was his wish to encourage the planters to adopt and enforce. Whatever the planters inclination might be, he would not be permitted by his creditors to make any experiment that might appear to tend to alter the creditor's security. With regard to the calculations stated by his right hon. friend, in respect to the number of negroes, their population, &c. were he ever so much disposed to admit their correctness, they led him to different conclusions. Mr. Dundas entered into an argument to prove that the increased population arose chiefly from the great importations that had taken place within the last three years; not that he despaired, but, on the contrary, believed that the plan he proposed would undoubtedly tend to increase the population of the islands, to such a degree as after a few years to render the abolition fully adequate to their cultivation. In answer to what Mr. Smith had said of there not being any such species of Africans as those bred for the purpose of being sold for slaves, he referred to certain pages of the abstract of the evidence before the privy council; but he owned that there appeared to be some confusion, and he believed that the domestic slaves and others were confounded. He read two or three passages, declaring, however, that after all he was not convinced that there were persons bred up for the purpose of being slaves. Having gone through his argument, Mr. Dundas said, such were the outlines of his plan; but he was perfectly ready to withdraw his resolution if the House insisted on it, although his wish was to set the minds of the planters at rest. He really thought that if the committee would give the time proposed, they might abolish the trade; but on the contrary, if this opinion was not followed, their children yet unborn would not see the end of the traffic. Believing that an abrupt abolition of the trade, so far from being attended with any good consequences, would occasion serious mischief, he must necessarily vote against the amendment.

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Mr. *Fox* said, he had now but little to trouble the committee with. The state of the question, thank God, was now materially altered. All defence of the trade itself was given up. It was universally condemned to abolition at some period or other, as inhuman, and repugnant to the first principles of justice. He trusted, therefore, that the natural result would be that which undoubtedly it ought to be, the introduction of an act of parliament for its speedy abolition. The right hon. gentleman had observed with great truth, that the question lay in a very narrow compass; that the object of both sides was the abolition of the trade, and that the best mode of attaining that object, was by a gradual abolition. When that right hon. gentleman had advanced this, he listened with great attention, in hopes that he would have advanced some arguments in support of so strange an assertion; but he was disappointed, for he did not hear one argument in support of it. The committee were now called upon to decide this extraordinary question—whether they would themselves abolish a trade, which they detested and abhorred, or leave it to be abolished by persons whom they knew to be violently prejudiced in its favour, and who professed to have an interest in its continuance?—Why? Because they were told that without the concurrence of the planters they could not abolish it at all. The right hon. gentleman seemed to have forgot his admonition to the planters, when he opened his plan—his warning not to oppose a moderate and gradual abolition, for that the sure consequence of their obstinacy would be a much more sudden and violent abolition than they might otherwise obtain. Surely this was an admission, that parliament had the power of abolishing on Monday; and what circumstance had since occurred to lessen that power he was at a loss to conceive. We have prohibited the importation of lumber and provisions from the states of America; but, says the right hon. gentleman, I am not sure that you have done this effectually. It is impossible to say that in any case of prohibition we can prevent contraband entirely; it is sufficient that we prevent it to any considerable degree. But then he tells us, they are not so anxious to smuggle provisions, because they get them from Great Britain and Ireland. What! Is their desire of getting slaves so much greater than their desire of food, that they will rather smuggle negroes than provisions in a famine? And famine they tell us they have suffered since the prohibition of importation from the American states. If we confiscate the ships that carry them slaves, their juries and judges will give unjust decisions. I am not to contend that the verdict of a jury will never be warped by prejudice; but it would be paying the planters a bad compliment to suppose that they would decide systematically against evidence, and against their consciences. Their judges must be sent from this country; the right hon. gentleman would have the selection of them; and surely he would not recommend prejudiced persons to his majesty's nomination. If this argument was good for any thing, it applied to the whole monopoly of our colonial trade, the laws respecting which must be enforced by colonial judges and colonial juries. It was in the nature of every restraining law, that it might require force to put it in execution; although this was, undoubtedly, the last expedient to which a wise government would have recourse. Slaves were certainly more difficult to smuggle than goods. A slave, if intended for use when imported, could not be taken to pieces to pass for another commodity; he must be landed in his proper shape, and, after all, he might tell that he was smuggled, and perhaps bring proof of the fact. These were, at least, difficulties in the way of smuggling; and the difficulty alone would do almost all the good that the right hon. gentleman expected from his regulations. But if it were true, that they would be supplied by foreign ships,—Dutch or American, no matter what,—in God's name let them in any ships but ours! Let us wash our hands of the guilt of the trade. If other nations would commit robbery and murder, that was no reason why we should imbrue our hands in blood.—We at last came to the futile basis of the right hon. gentleman's argument, that the West India islands would be convinced by his experiment, and voluntarily adopt the abolition. Now, was it a fair way of making an experiment, to trust it to those who did not wish it to succeed? If we were serious in this experiment, let us pass a bill to suspend the trade for five years, and see whether we should resume it. This was the only rational way of making an experiment. But they were also to be convinced by arguments and

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evidence, from which they yet had felt no conviction. Their prejudices were to be removed by sober reflection, and their minds were to have time to cool! Their prejudices (said Mr. Fox) are erroneous notions early imbibed, which I see not how they can part with of themselves, and the heat of their minds arises from proposing abolition, which will probably return as often as the cause. To what, then, do I trust for abating that heat, if the abolition be immediate? To their observation of its effects and the force of truth—to the well-known maxim, "Magna est veritas, et prævalebit." The right hon. gentleman refers them to the calculations of his right hon. friend. These calculations they have had before them since last year; what hope, then, is there that they will be more efficacious than before? I will not trust for justice in a case such as this to the effects of reason on prejudiced men. Let us do our duty by abolishing the trade, and their reason will soon operate. All the arguments against the abolition will be just as good in 1800 as they are at present, unless the right hon. gentleman has discovered some rule to show that arguments, which could not even gain a patient hearing in one year, would produce conviction in so many more; or that his right hon. friend was so transcendent a genius, that he could perform such operations of addition and subtraction in one year, as men of ordinary capacity could not comprehend in less than seven. This was not a question that had come upon them by surprise. It had been four years in agitation, and yet they were not convinced. If inquiry and discussion would not convince them, their minds perhaps were so constructed, as to require perfect stillness for its adoption. On the chance of such an operation of intellect I will not consent to risk the honour and the reputation of my country. They say, that although we renounce the trade, other nations will follow it. It is with nations as with individuals; they may sometimes countenance each other in a community of crimes; but it is one thing to have done wrong, and another to persist in it. It is one thing to have embarked in an unjustifiable traffic, and another to say, "Now that we are convinced of its inhumanity and injustice, we will continue it a little longer for the sake of our interest." The conduct of foreign nations—a conduct which I do not believe foreign nations will pursue—can be no excuse for us. Nothing can be so detestable or so destructive of all morality, as to argue from the possibility or actual existence of crimes to the lawfulness of committing them. If I think that a man will be robbed and murdered, am I therefore to say, it is better that I should commit this robbery and murder than another; I shall get five guineas by it, and the present owner will not die an hour the sooner? Next it was said, we owe much to the West Indies. If we do, let us pay what we owe, or say that we cannot; but let us not say that kidnapping of 240,000 negroes is a fit compensation from Great Britain to her colonies. The right hon. gentleman has proposed that we should carry off only boys and girls. This would, at least, have had the merit of avowing that we did the thing openly, and not on any miserable pretext that they were convicted of crimes; but this is now to be abandoned. I hope the reducing the tonnage employed in the trade is not also to be abandoned. This would take away about four-fifths of the supply, and why they should be so anxious about the other fifth, we are not yet informed. Would they patiently bear the loss of four-fifths, and risk a separation with Great Britain for the other? I am not much alarmed by the possibility of our islands getting into habits of intimacy with foreigners; but if they should be so infatuated as to prefer the continuance of this detestable and pernicious trade to their connexion with this country, I would not vote a shilling of the money of my constituents to coerce them. This I have always said, and always thought, and always I was using something like the cowards threat, being persuaded, that they would consider the loss of our connexion, and the advantages they derive from it, as the most formidable threat that could be made to them. If we abandoned the trade, other nations would probably do so too. If the opposite arguments were good, no nation would ever set the example, and it must endure for ever. As the first nation in Europe, we ought to set the example, and in the cause of justice and humanity, to claim the post of honour—of danger if their were any.—Mr. Fox concluded with repeating, that he should vote for the abolition at the end of a short period, if he could not carry the immediate abolition; but that he would vote against a bill

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bearing so distant a period as 1800; firmly persuaded, that before that time the abolition must take place.

Mr. *Burdon* said, that, in consequence of the arguments he had heard from the first abilities of that House, and the new and strong lights that had been thrown on the subject, he was convinced that the slave trade ought not to be suffered to continue, and therefore he should vote for its immediate abolition.

Mr. *Wilberforce* said, it was his intention, had he risen at an earlier period of the debate, to have gone at large into the subject, in order to have made good his pledge to the House on Monday evening, to prove that, according to the arguments urged by his right hon. friend, in support of a gradual abolition, it would be impossible for him not to vote for the amendment of his noble friend. Mr. Wilberforce expressed the pleasure he felt for the support he had met with from those whom he best loved, and most valued; and said, he should also consider the support he had received from gentlemen with whom he had not a personal acquaintance, as one of the happiest and proudest circumstances of his life. If there was time, he would prove, by unanswerable arguments, that every friend to the gradual abolition must necessarily approve the resolution of his noble friend. It had been said, can you set this subject asleep, by an immediate abolition of the trade? He answered, that an immediate abolition would be the only fit way of doing it; and he declared, for one, that he could not give up the point, nor cease to pursue the subject. He had last year exulted in the recognition of the rights of the Africans to be considered as fellow creatures: this year they had gained ground considerably, and they were daily gaining ground; and, in justice to his constituents, who had almost unanimously expressed their detestation of the slave trade, he was bound to persevere, if his own mind, and a sense of his duty, did not compel him to do so.

The committee divided on lord Mornington's amendment: Yeas, 109; Noes, 158; majority against it, 49. The question of adjournment was then moved, on which the committee divided: Yeas, 165: Noes, 97. It was then agreed, that the committee should set again on the 27th.

April 27. The House having again resolved itself into the committee, Mr. Beaufoy in the chair, Mr. Dundas's first resolution was read: viz. "That it is the opinion of this committee that it shall not be lawful to import any African negroes into any of the British colonies or plantations, in ships owned or navigated by British subjects, at any time after the 1st day of January 1800."

The Earl of *Mornington* lamented the fate of his former motion for a speedy termination of a trade which had been already condemned as criminal, inasmuch as it was repugnant to the principles of justice and humanity. Had he followed his feelings, he should have proposed, for the total abolition of this odious, abominable, insufferable, hateful traffic, the second day of January, 1793, immediately after the House had determined, by a majority, that it should not be so on the first day of January, 1793. He was sorry that so infamous, so bloody a traffic, should exist for one hour. Upon the justice of it nothing could be said; upon the humanity of it nothing could be said. Being destitute of principle, being hated by all good men, and, as far as regarded its justice or humanity, abandoned by its own advocates, what could be said upon the subject? But lest it should be thought that he was persevering in a cause which, though good, was not likely to succeed to his wishes, he was willing to concede something to the opinions of those who differed from him, and move for a more remote period than 1793, for the abolition of a trade which he loathed and detested. He thought, in his conscience, that it ought not to last one hour longer; but, as he could not get the committee to think with him on this subject, he must give up his own opinion to a certain degree; and, as he could not do all the good he wished, he would do all that he could. Gentlemen had said, in a former debate, that time should be allowed to the planters to cool, and to discover the truth of the assertions of those who contended, that the abolition would ultimately be for their advantage. What length of time it would require to cool them, and for truth to make its way among the planters, while the liberty and happiness of thousands were exposed to invasion during the tedious process, it was impossible for him to say. If he were to put the question mathematically, he would say, "the force of truth being given, and the hardness of a planter's head being ascertained, in what space of

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time will the former be able to penetrate the latter?" For his part, he was free to say, that he had known great numbers of planters, of the clearest heads, and most quick and lively conceptions; and, he believed, they were, in general, persons who would not be the last to feel the force of an argument, or not discover the truth of a proposition. On this occasion, however, he meant to allow them two years; and he would ask whether (if all that was wanted was to convince the planters that the abolition would not injure them) two years would not do as well as seven; and whether it was likely that heads which could not take in or conceive a truth in two years, were likely to be penetrated by it in seven. He believed the committee would be of opinion, that the time proposed for the purpose of convincing their judgment was much too long; for that, in point of fact, they were convinced already; and it was nothing but mean and sordid avarice that induced them to wish for the continuance of this abominable, infamous, bloody traffic—this commerce in human flesh—this spilling of human blood— this sacrifice of human right—this insolence to justice—this outrage to humanity—this disgrace to human nature Private follies, from habit, had sometimes been excused by the charitable; they affected chiefly those who displayed them; they were objects of compassion by some, and from the most severe they met with nothing beyond ridicule; but for crimes, and those of the most public, notorious, hateful, detested nature, nothing could be said in excuse or palliative. Every hour that this nefarious traffic was allowed to be continued, was a disgrace to Great Britain. His lordship concluded by moving, "that the Slave Trade do cease from the first of January, 1795."

Mr. *Robert Hobart* said, on a former occasion he had the unhappiness to differ with the noble lord, because the amendment he had proposed went to an immediate abolition; the present amendment, however, was of a less objectionable nature, and should have his hearty support. He could not help congratulating that House and the public on the abolition of the slave trade, for so it might now be said to be. The trade had been declared odious and detestable by a vote of the House, and it was agreed that it should be abolished. There was one happy reflection to be derived from this; the people of England were taught by it, that in the House of Commons influence and intrigue might make way, but could not prevail against justice. With regard to the practicability and prudence of abolishing the trade, under the present amendment, he did hope that when that measure was known to be taken up by the executive government of the country, its practicability would not have been so much disputed. He did not conceive, that voting the abolition to take place in 1795, was voting a sudden measure; but, on the contrary, that, in doing so, they gave the parties concerned sufficient time. The West India planters had no right to a longer notice than three years, which was the time allowed the East India company, under the sanction of an act of William 3. On that account, he thought the present amendment grounded on sound precedent, and should vote for it; and he begged to congratulate the committee on the triumph of truth, justice, and humanity.

Mr. *Drake* said, that though a compensation was not expressly consented to, from what gentlemen had said, he saw upon a strong case being made out, it would be given, which he was glad of, as he had ever thought that a compensation ought to be made to those who might suffer by the abolition. The amendment, however, of the noble lord, was so near his own idea on the subject, that he could not but give it his hearty support.

Mr. *Addington* (the Speaker) said, that having in a late debate on the subject, voted that the slave trade ought to be gradually abolished, he thought it his duty to state to the committee the ideas he entertained on the mode of carrying that resolution into effect. What he had heard from a noble lord behind him, had afforded him sensations of the liveliest joy and the greatest pleasure; and what had been said by the noble lord last Wednesday had been particularly grateful to his mind, from feelings of personal regard which he entertained for his lordship. Let the opinions of gentlemen, however, be what they might, he should proceed to state his sentiments on the subject. The interval between the resolution, that the trade be abolished, and the period at which the abolition would take place, he admitted to be a most dreadful interval. He had stated the trade to be abandoned, and he begged to remind the committee, that he never had mentioned one word as to the justice of the trade, but had merely

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noticed the justice of those claims that might be made by the persons who would be affected by its abolition. If the interests of the planters were abandoned, the abolition of the trade, he was convinced, would never be effected. How was it possible, he asked, when the means of population were taken away, to supply the great deficiency? How could they fill the chasm that they created? What he had stated was the result of his real sentiments. In certain conditions of society, there were, he observed, combinations of justice, of policy, of humanity and of interest, that rendered it almost impossible to look to the ultimatum, or he should rather say the maximum, of one without counteracting that of the other; the question was not, he said, between blood and gold, nor between what now actually was, and what might be hereafter, but it was whether an immediate or a gradual abolition would best effect the object which the committee had in view? For his part, he thought that object would be most safely and certainly attained, by protracting the period of abolition, and therefore he wished 1796 were the year proposed instead of that contained in the amendment. He was convinced that neither the welfare of the West-India islands, the justice due to the supporters of the trade, nor even the happiness of Africa, would be promoted by an abolition at a shorter period.

Mr. *Pitt* lamented that his efforts on this subject had hitherto not been successful, but he was consoled with the thought that the House had come to a resolution declarative of the infamy of this trade; that all parties had concurred in reprobating it; that even its advocates had been compelled to acknowlege its infamy. The question now was only the continuance of this abominable traffic, which even its friends thought so intolerable, that it ought to be crushed. Jamaica had imported 150,000 negroes in the course of twenty years, and this was admitted to be only one tenth of the trade. Was there ever, could there be any thing beyond the enormity of this infamous traffic? The very thought of it was beyond human endurance. It was allowed, however, that the trade was infamous; but the abolition of it was resolvable to a question of expediency; and then, when the trade was argued as a commercial case, its advocates, in order to continue it, deserted even the principles of commerce, so that it seemed that a traffic in the liberty, the blood, the life of human beings, was not to have even the advantages of the common rules of arithmetic which governed all other commercial dealings! The point now in dispute was only one year as he understood; for that the amendment proposed the year 1795 for the abolition, while the year 1796 was only contended for on the other side. As to those who were concerned in the trade, a year would not make much difference, but did it make no alteration to the unhappy slaves? It was true that in the course of commercial concerns in general, it was said sometimes to be beneath the magnanimity of a man of honour to insist on a scrupulous exactness in his own favour upon a disputed item in accounts, but did it make any part of our magnanimity to be exact in our own favour in the traffic of human blood? When a man gave up 50*l.* or 100*l.* against himself upon a complicated reckoning, he was called generous, and when he insisted on it in his own favour he was deemed niggardly; the common course, when parties disagreed, was what the vulgar phrase called, "to split the difference." If he could feel that he was to calculate upon the subject in this way, the side on which he should determine it was in favour of the unhappy sufferers, not of those who oppressed them. But this one year was only to show the planters that parliament were willing to be liberal to them. Sir, said Mr. Pitt, I do not understand the complimenting away the lives of so many human beings. I do not understand the principle on which a few individuals are to be complimented, and their minds set at rest, at the expense and total sacrifice of the interest, the security, the happiness of a whole quarter of the world, which from our foul practices, has, for a vast length of time, been a scene of misery and horror. I say, because I feel, that every hour you continue this trade, you are guilty of an offence beyond your power to atone for, and by your indulgence to the planters, thousands of human beings are to be miserable for ever. Notwithstanding the bill passed for regulating the middle passage, even now the loss of the trade is no less than ten per cent.; such is still the mortality of this deleterious traffic. Every year in which you continue this abominable trade, you add thousands to the catalogue of misery, which if you could behold in a single instance you would revolt with horror from the scene. But the size

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of the misery prevents you from beholding it. Five hundred out of one thousand that are taken in this traffic, perish in this scene of horror—are miserable victims brought to their graves; this is the effect of this system of slavery. The remaining part of this miserable group are tainted both in body and in mind, covered with disease and infection, tainting the very earth on which they tread, and the air in which they breathe, carrying with them the seeds of pestilence and insurrection to your islands. Let me, then, ask whether I am improperly pressing upon the House a question; whether they can derive any advantage from these doubtful effects of a calculation on the continuance of the traffic; and whether they think that two will not be better than three years for its continuance? I feel the infamy of the trade so heavily, the impolicy of it so clearly, that I am ashamed I have not been able to convince the House to abandon it altogether at an instant—to pronounce with one voice the immediate and total abolition. There is no excuse for us seeing this infernal traffic as we do. It is the very death of justice to utter a syllable in support of it. Sir, I know I state this subject with warmth—I feel it is impossible for me not to do so, or if it was, I should detest myself for the exercise of moderation. I cannot, without suffering every feeling and every passion that ought to rise in the cause of humanity to sleep within me, speak coolly upon such a subject. Did they feel, as I think they ought, I am sure the decision of the House would be with us for a total and immediate abolition of this abominable traffic.—As to the probability, that in the year 1795, the plantations will not be in a state fit to carry on business without the importation of fresh negroes, he would say that there was no probability of that conclusion. They would be in a situation in 1795, to go on without importation—they would be in that situation in 1794 — they would be in that situation in 1793; for he had proved them to be in that situation in 1788. In short, unless he had misunderstood the subject, and unless some reasons, much superior to any he had yet heard, were adduced, he should think it the most singular act that ever was done by a deliberative assembly, to refuse to assent to the proposed amendment; it was by an express resolution declared to be their first duty, as well as the first object of their inclination.

Colonel *Tarleton* said, he rose to comply with the cordial wishes of his heart, in spite of every perversion of argument, and every misrepresentation of fact, by the hon. and right hon. orators of that House, who had declared, that such means were justifiable to attain so great an end as the abolition of the slave trade. As the right hon. orators who had, and certainly ought to have, the greatest authority in that House, on account of the splendor of their abilities, had thought proper to join in the present race for popularity, it would be fruitless for him to attempt to stem the tide of clamour and prejudice; yet he would make a short appeal to the good sense and judgment of the House, as the protectors of men, whose characters had been loaded with every epithet that malice could invent, or calumny could bestow. He trusted, therefore, that they would see justice done to those who had risked their fortunes in a trade established for centuries, on the faith of parliament, and which ought not to be condemned on account of the misdeeds of a few unprincipled and unfeeling individuals. Nothing, he said, could exalt men, nor approximate them to Heaven so much as exercising their reason, and dispensing judgment and justice, and attending to the dictates of humanity. He relied therefore on the dignity, honour, and justice of the House, and placed his constituents in their hands, confident that they would not act inconsistently with their duty or their character.

The *Master of the Rolls* assured gentlemen that he had forborne so long from offering his sentiments because he dreaded to deliver them. He rose then merely in his own justification, to state to the committee what had been the sentiments he entertained, and which had guided him in the vote he had given, and should again give that night. He was as warm a friend to the abolition of the slave trade as his right hon. friend, and he wished to vote for the question that his right hon. friend adopted, to whose conduct in this matter he gave every degree of credit. The inhabitants of the West India islands were subjects, it was true, of the crown of Great Britain, but they were certainly qualified subjects. In what relation were they subjects? Not by compulsion or force, but by the ties of union, and the bond of interests, and the moment the bond was dissolved, there was an end of the compact. The West India colonists, un-

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der the sanction of parliament, and the protection of Great Britain, had laid out large sums, and embarked in the trade we were now about to abolish. He stated, that we had kept a monopoly of the trade to the West Indies in our own hands, and we had a right undoubtedly so to do. His right hon. friend had called for an answer to certain points, but he declared it was totally out of his power to give any, because he dared not to enter the lists with him, as he could have no chance in such a controversy. The moment America ceased to belong to us, it was fair for us to say, as we had said to the West India islands, "You shall not be supplied from thence, we will supply you with provisions," and the fact was, we had supplied the islands ever since. He adverted to the arguments of last year, and contended that they differed greatly from those used now. It had then been said, that slaves were imported merely to be worked up, and then were sent away, which occasioned the great disparity of the sexes. He declared he had not voted last year, because he could not side either with those who pressed for an immediate abolition, or with those who opposed abolition altogether, and therefore he had gone away. He was now, he said, for a gradual abolition, because that was, he believed, practicable and he was convinced, if we could not abolish the trade with the free will of the West India islands, we could not effect an abolition at all. He declared he had not heard a single argument why 1796 was better than 1795 or 1793, and he desired gentlemen not to vote for 1795, merely because they had the other night voted for 1793. He was ready to vote for 1793, because he knew that all that he could do would not prevent the abridgment of what he conceived to be, a proper period of postponement.

Lord *Carhampton*, after a word or two of exordium, stating why he had reserved his sentiments hitherto on this subject, said, he should be glad to know how long the major and minor orators of that House (for such he considered them), meant to continue abusing West India merchants and planters, and the gentlemen of Liverpool and Bristol, concerned in the African trade? Gentlemen might talk of inhumanity, but he did not know what right any one had to do so inhumane a thing, as to inflict a speech of four hours long on a set of innocent, worthy, and respectable men. Gentlemen had continued this abuse day after day, both in their long and short speeches, some of which would have been equally proper for a House of Commons, a pulpit, or a conventicle. If there had not been a back door behind the Speaker's chair for infirm gentlemen to escape, he did believe, they would have died on the spot; as the long speeches reminded him of Bunbury's "long story," without suggesting any thing like the same pleasant ideas. These long speeches, defamatory of the character of the merchants of Liverpool and Bristol, previous to the obvious intention to rob them of their property, reminded him of the old story of a slave on board a ship, commanded by a captain who had been successful in life, who had made many harangues in that House, and who now harangued elsewhere. The story was, that when the slave was tied up and going to be flogged, he looked over his shoulder, and seeing his captain beginning to speak to him, said, "Captain if you please to flog me, flog me, but if you intend to speech me, speech me, but don't flog me and speech me to." It was very good policy, his lordship confessed, to deprive men of their character first, before they deprived them of their property, and it resembled the practice that prevailed in this country in the reign of Edward 5th, when, previous to the plunder of the Lollards, care was taken to render them odious in the eyes of the people. The same thing was done in still remoter periods of our history, by the knights templars, and he remembered a circumstance of that kind in Portugal, where, when the inquisition meant to put an innocent girl to death for heresy, or some nonsense of that sort, they endeavoured to poison and prejudice the minds of the populace by cutting off her nose, and exposing her in that disfigured state, insinuating at the same time, that it was occasioned by a scandalous disorder. One hon. gentleman had let fall an expression in the warmth of his argument, which, in his cooler moments, he would doubtless regret: he had said, if the West India islands will not give up the African slave trade, let them go! Expressions not more dangerous than this had been made in the national assembly, which occasioned all the massacre and disasters in St. Domingo; a member had said in debate there, "Let the West India islands perish, sooner than I will part with my principle." That expression set fire to the brand, and occasioned all the miseries

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that took place in the island: and the fact was, the abolitionists, those negro-philanthropists, seemed desirous of producing similar effects in our islands, where the negroes wanted but three things, which were, to murder their masters, ravish their women, and drink all their rum. The hon. gentleman, therefore, kindly granted the negroes but one favour, but that was, affording them an opportunity and the means of doing all three. Thus they would get rid of the West India planters completely; they would pay nothing for it; and thus murder would be sanctioned by parliamentary authority. The best way to effect all this was, to occasion insurrections, which the negroes were always meditating when many of them got together; and the hon gentleman to enable them to collect in bodies, would forsooth teach the negroes the Christian religion, and assemble them for that purpose in churches! He would take no other notice of the numerous petitions on the table, than to say that they had been procured from the islands of Scotland, and the mountains of Wales, by the members of that enlightened society held in the Old Jewry! He declared he was willing to give all the friends of the abolition credit for possessing a larger share of humanity than the rest of that House, for so they told them themselves; but he had the impertinence (for such it had been termed in the House that day) to assert, that just as much justice was due to the merchants of Liverpool and Bristol, and the West India planters, as to the negroes. Such audacious and impertinent feelings influenced him in favour of a trade that had been sanctioned by parliament. Africa had continued to furnish slaves to all the world, from the first period of time, and so she would continue, whether in that little corner of the world they chose, Quixote-like, to undertake the total abolition of the trade or not. That some few wicked men had committed abuses in the conduct of the trade, he neither denied, nor would he attempt to defend their conduct by any means; but that was not a sufficient reason why the West India merchants were to be deprived of the means of cultivating their plantations. To borrow a little of schoolboys latin, "tempora mutantur et nos mutamur in illis," the times were changed, and we were changed with them. Formerly members of parliament were plain plodding men, who contented themselves with attending to the interests of their constituents, and the welfare of the kingdom; but now, that assembly sat to deliberate on the interests of the people of Africa; they undertook the care and protection of all the world; but not without squinting a little at the world to come. Would it were possible for some members of the House of Commons of elder times, or even of the last century, to revisit this world, and be present for a day or so at their debates; the Russells for instance, or sir John Barnard, whom he should have liked to have heard the hon. gentleman's speech in favour of those delightful people of Africa, described by the hon. gentleman as the prettiest ladies and gentlemen on the face of the globe. Had sir John Barnard sat there, he would not have thought himself a member of the British parliament, but would have imagined himself a representative of the people of Africa, and that the right hon. gentleman was the minister of prince Anamaboe. The hon. gentleman might be mistaken for another Jacob Behmen, one of your fifth monarchy men, and representative of the New Jerusalem: full of methodism and full of enthusiasm; the other hon. gentleman who lifted up his hands to the skies, and then pointed them to the floor, his eyes rolling all the time as in a phrenzy, seemed as if he were grasping both Heaven and earth at once. In fact, his lordship said, the House was so changed, that he imagined England was finished. By this term he said, he meant it in the same sense that Capability Browne had used it, who, when asked to go over to Ireland to lay out some ground there, had said, he could not go till he had finished England. He would now give an account of his creed. In the first part, he believed that this parliament was a wise and prudent parliament; and he next believed that the gentlemen of Bristol and Liverpool were degraded to the situation of the lowest of all possible scoundrels and rascals: and he also believed, that the society in the Old Jewry were the most able and sagacious set of people, and truly friends of the British constitution; and he declared he was sorry for what he saw advertised in the newspapers, viz. that the funds of this virtuous society were at a very low ebb. He declared he should have been glad to have seen the accounts of the society, because they must be full of curious items. Had they seen those accounts, they should have known what

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had been the expense of procuring petitions to that House, and what was the price of newspaper defamation and personal scandal. A friend of his had offered him a wager, that if the petition had been drawn in terms to this effect: "Whereas the white inhabitants of the West India islands are a lazy set of people, and compel the blackamoors to work for them, they ought to be turned out of the said islands, &c. &c." (whoever did not accede to this creed, his lordship said, had heads of wood and hearts of iron), more signatures would have been procured. In Oliver Cromwell's time he remarked, Oliver and his great men were called parliament drivers. He would not say that there were parliament drivers at present, but that there were two hon. gentlemen who could persuade parliament to any thing they chose. He granted that, with respect to the calculations of one right hon. gentleman as to the equality of the births and deaths of the negroes, they were ably made, and he did not dispute their accuracy; for he could not pretend to controvert them, unless he looked into some books he was not much in the habit of consulting, viz. Aristotle's Master-piece, and Smellie's Midwifery. With regard to the deaths of the negroes in the town of Kingston in Jamaica, their number was not to be wondered at, since Kingston was an unhealthy town. Even London itself had so many deaths from people's leading a dissolute and drunken life, that, were it not for the perpetual recruits from the other parts of the kingdom, it would be so depopulated, that we should have grass grow in our streets. He had heard the recruits of London from the country stated at 15,000 a year. An hon. member, he declared, who sat next to him the other night during the debate, when the right hon. gentleman made so long a speech on humanity, had whispered him that he was not in earnest, for that lately 150,000 Turks had been dragged into slavery, and had passed the Dardanelles on their way to Asia; and yet the right hon. gentleman was so much in love with the emperor of the Turks, that he had encouraged him to make more slaves. His friend had also whispered him, that the other right hon. gentleman (Mr. Fox) was not sincere; and when he had asked, how his friend made out that? he had said, the right hon. gentleman wanted to form an alliance with the empress of Russia, the most despotic monarch in all the world, and if ever the right hon. gentleman should again be the minister, (and he was sure he would make a very able one), he had pledged himself to enter into such an alliance; and as he could not lend the empress his body as a security for the treaty, he had sent her his head as a pawn. Addressing himself to the chairman, his lordship said, "You, Sir, are a family man; if, therefore, you were to see the figure of a man drawing a concealed dagger out of his bosom to murder his master, would not your hair stand on end, and would it not make you stare? Nay more, would you not try to arrest the guilty hand of the assassin?" So, in like manner, his lordship said, he hated robbers, abhorred murderers, and detested slavery; but the House, in its present temper, would not be very fond of him, when he declared that he had property in the islands; but then he had not been a purchaser; his was hereditary property (descended from an ancestor, formerly a governor of Jamaica) which was perhaps the most unpopular species of property in times like these; he did not, however, speak against the abolition on that account.

Mr. *Wilberforce* began with confessing, that he felt himself much obliged to the noble lord, for having, in his facetious speech, contrived to relieve the dulness of a debate, which certainly, from its nature, gave rise to other passions than that of laughter. The noble lord's speech must have been facetious indeed; for, were it repeated, he should wear the same honest smile, even where it might be naturally supposed that he should have felt other sensations. What the noble lord had uttered, was the greatest argument in favour of the question that had yet been urged, inasmuch as the noble lord had treated with ridicule all those things which the House had considered as sacred. As to what the noble lord had said of the business having engaged his attention for years, night and day, it certainly had done so; and with regard to the insinuations of methodism and enthusiasm, he was not afraid to confess, what he had never before been obliged to confess, namely, that in his whole conduct respecting that most important subject, he had persevered, because he was anxious to discharge his duty to his Maker, in doing an act of benevolence to his fellow-creatures. The noble lord had spoken harshly of

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the society in the Old Jewry, of which he was certainly a member, and it was his pride to belong to a society, of which some persons were members, whose religious opinions had not drawn on them the partiality of the public; but it had never been urged against them, that they were not men of tranquil minds, or men likely to promote the disturbances and animosities of mankind. He denied that he had ever endeavoured to blacken the characters of the West India planters, or had exaggerated facts in any stage of the evidence. In reply to Mr. Dundas, he went at much length into the population of the islands, quoting Mr. Long, Dr. Anderson, and other authorities, in support of his arguments—that from the equality of the sexes, since the year 1787, the best way to increase the population was to stop importation, as had been successfully done in Carolina and other parts of America. He begged gentlemen to recollect, that fixing the period for 1795 was three years distant; that the islands must have been in a progressive increase since 1788, when they had a sufficient number, and that now the number of males and females was nearly equal. He argued the increase that might accrue in many islands, by changing the cultivation of sugar for cotton. He likewise answered another argument, relative to the danger arising from the disproportion between the blacks and the whites, which certainly must be lessened by stopping future importation. He concluded by an appeal to the justice and humanity of the House.

Mr. *Fox* said, he conceived the question to lie between 1795 and 1796; that was, whether the slave trade should continue two or three years longer? The point they had to consider therefore was, whether the arguments in favour of 1796 were more weighty than those in favour of 1795. It was agreed on all hands, that a tenth of all the Africans put on board the ships upon the coast for the West Indies died in the Middle Passage, and that the average importation was 30,000, consequently they were to suppose that 33,000 were shipped on the coast. Besides these three thousand, a thousand more died in the harbour, and full a third more after they were landed and before they became fit for labour; 14,000 consequently died in one year. What the committee, therefore, had to make up their minds upon, before they voted was, whether they chose, for the sake of continuing the slave trade, to condemn 14,000 human beings to death, and sacrifice them to the West-Indian planters?

Mr. *W. Grant* began with adverting to the logical definitions that had been stated in the course of the several debates on the subject of the slave trade, and said, he had no boundary line to draw between politics and morality; but if he had been told, that to be a great statesman you must be a lax moralist, the short acquaintance that he had had with politics had convinced him, that if he entertained any such opinion, he ought to retract it as unjust. If he were asked if he was for an abolition of the slave trade? he should answer, he was for the most speedy and effectual abolition of that trade. If he were again asked, what he meant by speedy and effectual abolition? he should answer a gradual abolition, being convinced, that the slave trade being an artificial evil, the result of the vicious administration of legislation, it must be abolished by degrees, or it could not be an effectual abolition. If by an abolition of the trade, gentlemen meant no more than Great Britain relinquishing that part of the trade she enjoyed, Mr. Grant said, he meant something very different indeed. He meant by an abolition of the slave trade, the total abolition of it, so as to ensure the decrease of the sum of human misery. He declared, he had been the other night astonished to hear some very false propositions from so able and experienced a legislator, as the right hon. gentleman opposite (Mr. Fox). The right hon. gentleman had said, the abolition was a short question of justice, and therefore they were to set aside every collateral consideration, and to do justice. That he must pronounce an erroneous proposition. He had ever conceived that the end of legislation was to do good, and to consider justice in our means of doing it. Now, there were some occasions on which it was impossible to do so, and there the greatest good must be the object even in violation of strict justice. He would illustrate his meaning by an instance connected with the immediate subject before them. Let them suppose a case of emancipation. Wherever slavery existed, there necessarily existed oppression, and the continuance of slavery was consequently a continuance of oppression. If he had professed to do jus-

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tice, and a slave were to ask him, how could he account for the use he had in view, in making him a slave; if he meant to do justice, he should not continue him a slave? he should answer, that his means were circumscribed, and that it was true philanthropy, in aiming to effect the greatest good, which the nature of the case would admit. If in consequence of his virtue and self denial, he forbore to do an act, abstractedly, an act of humanity, but which would produce a different consequence, he surely acted rightly; were he to act otherwise, he should not satisfy his conscience, because he should not diminish the misery he wished to relieve. So with the abolition of the slave trade; it was a question of practicability, and not merely a question of justice. The question was, whether the gradual abolition would effect the object better than the immediate abolition? It appeared to him, that those who contended for an immediate abolition, contended for a mode of abolition the most impracticable, and the least likely to effect its object speedily. If by merely putting the word "immediate" into a bill for abolishing the slave trade, it would produce the effect, he certainly would vote for such a bill; but every man knew no such effect could be produced by such means. It had been said, that there could be no compromise between justice and inhumanity. So far from it, he declared, they were continually compelled to make those sort of compromises. In our laws there were many points of injustice to be found. A man might as well say, he could not get to the top of the Monument by steps; or that he would travel in a straight line, as that he would make no compromise. Suppose thus travelling, he were to encounter a river; would he sooner attempt to walk across it, and risk being drowned, than make a compromise, by going a little way about to find a bridge? Were any opposition made to the coercion of the laws of this country, by the West India islands, he did not see how we could compel to acquiesce in their operation; and that was surely a material object for consideration. He enlarged upon this as a ground for regulation, and a gradual approach to abolition. There were some arguments, he said, that, either from his ignorance of the matter, or from the inferiority of his talents, he could neither refute nor prove to be fallacious; of this sort was the position, that when a man received a blow with a bludgeon and got a broken head, it was only an imaginary evil arising from the accidental contact of the man's head and the stick, which both happened to be hard opposing substances. So he feared, if immediate abolition were adopted, the House would find itself in the condition of the philosopher who struck with the bludgeon, and the gentleman in the West Indies, in the case of the man with the broken head. Notwithstanding the mode of argument that his right hon. friend (Mr. Pitt) had used on this point, the planters were told "You have no need for any more slaves, you can do without them, though you think it necessary yearly to import negroes in great numbers," and his right hon. friend had proved, from very ingenious calculations, that they were at present so well supplied with African negroes, that they could do without any more. This argument was fallacious; but a part of the fallacy swam upon the surface. If the negroes were free labourers, and could carry their produce to market, the case would be widely different; but it was to be considered, that they were a property. —Another fallacy was, if Jamaica was one man's property, and all the plantations of it the estate of an individual, the argument of the negroes would apply; because, if the owner complained of bad crops, from the failure of such and such a field; he might be answered, "Why, if that field failed you, the next to it yielded an abundant produce," but no such answer could be given in the case of an island divided into a variety of estates, belonging to different persons, the crops and negroes on some of which might be extremely defective, although in others the latter might be plentiful, and the former redundant. He compared the argument founded on an average calculation of the negroes, to the case of a man's taking an account of all the wealth of this kingdom, and dividing it by an average of so much per man. Suppose to such a man, a poor wretch were to apply for charity—would it be thought any thing but a most absurd answer, if the person applied to were to say "you appear in rags and wretchedness, but according to my average of the wealth of the kingdom, you must be a rich man, and therefore I won't give you a farthing." Or would it be less absurd, if a person in power, who had found by calculation, that

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twenty felons a session was the number convicted at the Old Bailey and executed, were to take up the first twenty he found, and have them hanged?—Mr. Grant followed up these instances of the ridiculous effect of relying upon averages, with some serious arguments on the danger of too speedy an abolition. He said, if in any measure he was pretty sure of doing a great good, he might perhaps overlook the trifling evil; but when he was going to do that which had many collateral evils inherent in it, common prudence dictated caution; if we precipitately shut the legal door to the importation of African slaves, while the prejudices of the planters were strong in favour of the importation, the natural consequence would be, they would have recourse to other sources of supply, and then greater expense to them, and greater misery to the slaves, would be the consequence of their attempt at too sudden and too precipitate an endeavour at abolition. He wished a period to be thought of, that might give the planters due time to prepare for the abolition. There were, he said, two propositions before the House, very opposite in their natures, which he could not blend together, but he thought the proper point might be found between both. He observed, that the actions and duties of an individual were perfectly different from those of the legislature. It was enough for an individual to relinquish that which he conceives to be improper, whereas a legislature was to do merely the greatest quantum of good. An individual need not look at all to the consequences of that which he had to decide upon; whereas a legislature was bound to act upon a much wider scale, to weigh well, and to consider all the collateral effects of a measure, and to adopt it under the conviction of a moral probability of its answering its end in all its various points and bearings. Mr. Grant concluded with declaring, that he should be for a shorter period than the commencement of the year 1800, but not so short a one as that moved by his noble friend.

Sir *E. Knatchbull* said, that what had passed, had, in his mind, reduced the argument in debate to a very narrow compass. He had ever been for an abolition of the slave-trade. His own sentiments, and those of almost the whole of the inhabitants of the country, which he had the honour to represent, were in favour of a gradual abolition. He should oppose the abolition's taken place in 1795, and should propose the year 1796, as an amendment.

The committee then divided; for the abolition in 1795, 121; against it, 161. Majority 40. When the division was over,

Mr. *Fox* said, he would not consent to the existence of the trade any longer than the year 1796, and that if any more distant period were proposed, he would oppose the bill with every exertion in his power. He observed, that the West India merchants and planters had come forward with no proposition of their own, which was a clear proof that they meant to take every advantage, and, therefore, it the more behoved the House to concur with the voice of the people, and do their duty by securing a measure which they all agreed to be indispensably necessary, although they differed somewhat in point of form and time.

Mr. *Dundas* said, the right hon. gentleman could not tell but that the West India merchants might of themselves give way, and, if too short a period were not insisted on, come down to a shorter period than he had named on their behalf.

Mr. Alderman *Watson* observed, that nothing had been said on the part of the city of London, throughout the whole of the discussion on the subject. He had, on the division on the question of an abolition of the slave trade last year, divided against the question, because he considered an immediate abolition to be an impracticable measure; and even were it possible to be executed, it would, in his mind, have involved in its consequences the greatest detriment to the commerce of the country. With regard to the city that he had the honour to represent, their shipping was numerous, and he was persuaded, that if the slave-trade were too speedily abolished, the capital of the merchants of Great Britain would go into the hands of foreign countries, and thus the benefit of its being employed would be lost to this, which must necessarily prove an important and most detrimental drawback on our commerce. He had always been convinced that an immediate abolition was a matter utterly impracticable, and an abolition in 1796 he considered as tantamount to an immediate abolition.

The *Speaker* said, he certainly should act in conformity with the opinion he had expressed in the debate, and vote that the abolition should take place in 1796; it

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being at the same time clearly understood that he would consent to no duties whatever being levied on the import of slaves in the interim.

Sir *E. Knatchbull* said, he rose to move the amendment he had stated of the year 1796, but before he did so, he desired to know, whether it was meant by any gentleman, in case his amendment should pass, to move for a shorter period when the bill should be before the House.

Mr. *Pitt* said, as it seemed to be the opinion of the committee, that the year 1796 should be the time of abolishing the trade, he certainly should hold himself bound not to propose in any subsequent stage of the bill, that that period should be shortened.

Mr. *Fox* declared, that he should acquiesce in what appeared to be the sense of the committee. At the same time, however, that he did so, he thought it fair to say, that he most assuredly conceived, that the trade was not meant to be continued till that distant period arrived without any regulation.

Mr. *Martin* desired, before the committee divided, to remind gentlemen that they ought to recollect what a right hon. gentleman had stated as the loss of a year in appointing a period to the continuance of the slave-trade, viz. the destruction of 14,000 human beings.

The committee divided: For the abolition in 1796, 151. Against it, 132. Majority, 19. The division being over, Mr. Dundas said, that as the gentlemen on the other side had now altered his plan, so as to make it their own, he begged leave to return them the task, which they had before transferred to him, of forming regulations and bringing in a bill. On the 1st of May the said resolution was reported to the House. After which, the House went again into the committee, where Mr. Pitt moved the second, third, sixth, eighth, and ninth of the resolutions introduced by Mr. Dundas, with modifications and amendments. The resolutions were voted as moved, and agreed to by the House, and a bill was ordered to be brought in thereupon.

Debate in the Lords on Mr. Fox's Libel Bill.] April 27. The order of the day being read for the further consideration of the Libel Bill,

Lord *Kenyon* expressed his dislike to the loose and vague manner in which the bill was worded. He declared its principle to be a direct contradiction to the practice of a long series of years, and that it was totally inadequate to the purpose it was meant to effect. It tended to alter the established law of the realm; and, considered in that light, was a new and a dangerous innovation upon the constitution. Lord Hale, one of the brightest ornaments of the English law, had defined the extent of the power of juries in so clear a manner, that no room was left for a doubt: "the province of the jury is to find the fact: the law remains with the judge; unless the law and the fact are blended together: in that case the jury either find a verdict generally, or specially, stating the fact, and leaving the application of the law to the judges." He contended, that one part of the bill went to take away all power of deciding on the law in question. He condemned its interference with the present practice of the courts, and affirmed, that, in all the time he had had the honour to attend the bar, or preside in a court of justice, he knew not a single instance wherein the judge and jury had any difference on the matter in question. The only doubt was, whether the truth should be taken as part of the defence; and if this bill was to pass, he thought a clause to determine that point would be absolutely necessary. He most anxiously wished their lordships should have every possible information on the subject, previous to coming to any decision; and as he thought the Judges the only men who could give that necessary information, he should move that the following questions be put to them: 1. "On the trial of an information or indictment for a libel, is the criminality or innocence of the paper set forth in such information or indictment as the libel, matter of fact, or matter of law, where no evidence is given for the defendant? 2. Is the truth or falsehood of the written or printed paper material, or to be left to the jury, on the trial of an indictment or information for a libel? and does it make any difference in this respect, whether the epithet false, be or be not used in the indictment or information?"

Lord *Loughborough* said, he could not conceive that putting these questions to the judges would answer any purpose whatever. He considered the bill highly expedient, to clear up the doubts entertained by different people as to the power of juries in this case, and pointed out the prejudicial effects of exciting a contest

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between the judge and jury. He said, if the bill was defective, incorrect, or repugnant, in its several parts, these were faults which might be amended in a committee. But when such doubts, as were now suggested, had arisen, the public opinion should not be suffered to fluctuate. Those who thought that the judges should have the exclusive right of determining on questions of law, and those who were of opinion that, when the law and the fact were blended, the decision should rest solely with the jury, should now agree to settle what was to be the law. That the difference between matter of fact and matter of law, in cases of libel, was so marked and distinct as to be easily separated, he had his doubts; and undoubtedly it ought to be their study, when they called for the opinion of the judges, to put their questions in such clear terms, as should not involve them in nice and subtle distinctions. He could hardly frame, to his own imagination, a case of libel, where the matter at issue was merely a matter of law unmixed with fact. There were always circumstances of simple fact, indeed, such as the publication, and so forth, which were not criminal in themselves; but in the construction and application of the libel, there were facts essential to the guilt or innocence of such publication. Opinions, for instance, might be innocent under one set of circumstances, and criminal under another. It was the application to times, persons, and circumstances, that constituted the libel; and this was as much a fact, as the mere fact of the printing and publishing. To attempt to separate them was difficult and dangerous. It certainly, as the bill on the table set forth in the preamble, had introduced doubts, and, in his mind, had done mischief. It was the refuge to which libellers had fled for safety. They had confidence that their particular question would be lost in the greatest question between judge and jury: and they had hopes that a jury, struggling for what they conceived their own rights, would overlook the case of the individual, upon which they were impannelled.—In the generality of libels, he observed, the question was a question of fact, and not of law. In the case of the king against Topham, the doubt was not on the law, but whether the circumstances had been stated with technical precision in the indictment. In that of the Dean of St. Asaph, the doubt was, whether the seditious intent of the writer had been sustained in evidence. In cases like the latter, the decision must necessarily be referred to the jury. They must judge of the intention of the publication; otherwise the fair and free discussion of political subjects, and even the introduction of texts from the holy scriptures, might be construed into a matter of libel. The inference in these cases was, that some particular act of sedition or resistance must be meant, and of this it was in the power of the jury alone to decide from evidence. He, for his part, had ever deemed it his duty, in cases of libel, to state the law as it bore on the facts, and to refer the combined consideration to the jury. When a man is charged with publishing a pamphlet with a malicious intent to stir up sedition in the people, and the jury are convinced that it is innocent and harmless, the publication being proved, the judge directs them to find a verdict on the whole of the case. How could they conscientiously do this according to the oath they had taken? It would be little consolation to them to be told by the judge upon the bench, that, although you have found him guilty of a seditious publication, we shall hereafter determine whether it is so or not. Could any thing be more absurd than a doctrine like this? Experience had convinced him, if the judge did his duty by explaining the law with care, juries would decide with perfect justice.—His lordship observed, that general verdicts, in all civil as well as criminal cases, were the right of juries. It was only where the civil law became more complex, that the power of giving special verdicts was extended to them as an indulgence. They still retained the power in criminal cases, when they were not liable to an attaint, if it appeared that they had acted wrongly; and it would be strange doctrine to argue, that it was in the contemplation of the law to deny them the power in civil cases, where, until the practice of new trials became more frequent, any departure from integrity in a jury subjected them to severe punishment. —As the law came, in the progress of the multiplied division of property, to be a science, and where cases of such difficulty might arise as to confuse the jury, and that their decision might be erroneous without a suspicion of corruption, the courts took a new course, and, on certain grounds, granted new trials. In criminal

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prosecutions there was no such thing. There was no bill of attaint. He had never found that any bill of attaint had ever been issued against a jury for a verdict in a criminal trial. Mr. Justice Vaughan, one of the greatest and most upright men who had ever adorned Westminster-hall, had found a passage, in an obscure corner, which asserted the doctrine; but he had shown it to be untrue, and had dismissed it. There decision was final. There was no control upon them in their verdict. The evident reason and good sense of this was, that every man was held to be acquainted with the criminal law of the land. Ignorance was no plea for the commission of a crime: and no man was therefore supposed to be ignorant of judging upon the evidence adduced of the guilt or innocence of a defendant. It was the admitted maxim of law—"Ad questionem juris respondeant Judices; ad questionem facti Juratores"—but when the law and the fact were blended, it was the undoubted right of the Jury to decide. If the law was put to them fairly, there was undoubtedly not one case in a thousand on which they would not decide properly. If they were kept in the dark, they were sometimes led into wrong, through mere jealousy of their own right. His lordship concluded with proposing, as an additional question to the judges—"Upon the trial of an indictment for a libel, the publication being clearly proved, and the innocence of the paper being as clearly manifest, is it competent and legal for the judge to direct or recommend to the jury to give a verdict for the defendant?"

The *Lord Chancellor* said, he would confine himself strictly to that part of the argument which referred to the questions proposed to the judges. The learned lord's opinion contradicted a long and uninterrupted series of legal authority, and at the proper time he should certainly go at some length into the subject. The instance which the learned lord had given, of the crime of connecting and issuing texts of scripture among an inflamed multitude, would, in his opinion, in the circumstances described, be something more than a libel—it would be a different and a higher crime. He perfectly agreed that a writing contracted its libellous character from the season and circumstances under which it was published. He had no hesitation in saying, that speculative opinions on the nature of government were proper, unless in circumstances of alarm and confusion, when they might tend to disorder. He had no hesitation in saying, that, in the present moment, not only inflammatory observations against magistrates, but observations tending to vilify the constitution of magistracy, to unsettle it in the public mind, and to shake its legal authority, as vested by the laws of the land, were libels which the government ought rigorously to pursue, and which he trusted would be pursued, wherever they appeared, to exemplary punishment. His lordship contended, that all the great legal characters, from lord Fortescue to the present time, had drawn a just distinction between the rights of the jury and the power of the courts of law. In the case of libel, if the king on the throne was insulted and abused, and if the seeds of dicontent were disseminated amongst the people, the just and necessary power of the ministers of justice and magistrates openly contemned, and the bands of society destroyed, by means of libellous publications, it was clearly a matter cognizable by the law, when the fact was ascertained by the verdict of a jury. He differed with the learned lord on the idea of there being any more knowledge of the criminal law alleged to the subject than of the common law. No man was supposed ignorant of either the one or the other: and it was not a sufficient argument to say, that, because there were doubts upon any legal point, they should bring in bills to change the happy practices of the courts. In a book lately published by Mr. Leach, there was a collection of the legal doubts, which on the first day of every term, had come before the judges in Serjeant's-inn hall, for some time past, and which formed as ample a collection of thistles as any man would wish to see. Were their lordships prepared to clear up all these legal doubts by declaratory or by enacting bills? He quoted the great authority of lord Hale for the doctrine, that the question of law lay always with the judges, and it was necessary to the unity of the law that it should do so. Endless confusion would arise if it lay with the jury. How could a Cumberland man know what was the the law upon any case in Cornwall; or, *vice versa*, how could a Cornish man decide on a case in Cumberland? There would be endless confusion in the practice; whereas, by keeping it in the hands

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of one set of men, it became the same for all the kingdom.

Lord *Porchester* said, that the learned lord's argument, that a Cornish man could not form a judgment of the law on a crime committed in Cumberland, was an argument which he could not reconcile to common sense. Was there any geography in morals? Was not murder considered as murder both in Cumberland and Cornwall? Did malice change its quality by its local situation? And was not a man of any one county as capable of deciding on a crime in another county as in his own? Did he lose his power of judgment by the change of place? And if this was true, did not this diversity exist as to all the catalogue of crimes, except the privileged one of libel, which alone, for the sake of unity, was reserved to the judges? By this bill the question of admitting evidence in justification would be settled; for the jury were directed to decide upon the whole matter in issue, and as the *quo animo* was a matter in issue, they were clearly to decide upon that from all the circumstances. He concluded with reading the following question, which he should propose to the judges: "Is a witness produced before a jury in a trial, as above, by the plaintiff, for the purpose of proving the criminal intentions of the writer; or by the defendant, to rebut the imputation, admissible to be heard as a competent witness in such trial before the jury?"

Lord *Loughborough* said, he would also propose the following questions to the judges. 1. "Whether upon the trial of an indictment for sending a threatening letter, the meaning of the letter set forth in the indictment be matter of law or fact? 2. Whether, on the trial of an indictment for high treason, the criminality or innocence of letters or papers set forth as overt acts of treason, or produced as evidence of an overt act of treason, be matter of law or of fact."

Lord *Mulgrave* urged the propriety of settling the doubts which existed on this subject; and quoted the opinion of chief justice Fortescue, for giving to the jury the whole question. He did not conceive there could be any necessity for putting questions to the judges. Did their lordships intend to pass or object to this bill upon the answer of the judges? If not, the whole was nugatory.

Viscount *Stormont* thought that the opinion of the judges ought to be taken as the safest guide for their lordships' government in passing such a bill as the present.

The Earl of *Lauderdale* hoped the House would not implicitly adopt the sentiments of the learned chief justice, as he held in his hand a direct proof to the contrary. Upon the important trial of the dean of St. Asaph for publishing a seditious libel, Dr. Shipley produced evidence to his character, to convince the jury, that, from his peaceable disposition, and his love of good order, and due subordination, it was impossible he should have formed any design of stirring up sedition. Upon this evidence being tendered, the learned judge (Buller) replied to it, and charged the jury to find the fact of publication, without blending it with any concomitant circumstances of an exculpatory nature.

Lord *Grenville* wished the questions proposed might be put, because he thought it was material to have the law explained, and fairly understood, that no doubts might exist as to what juries could or could not do.

The said questions were then ordered to be put to the judges.

Debate on Mr. Grey's Notice of a Motion relative to Parliamentary Reform.] April 30. Mr. *Grey* rose to give notice of a motion which, in the course of the next session, he should have the honour to submit to their consideration, the object of which was a reform in the representation of the people. On a subject of such importance, he could not content himself with merely stating his notice, but would trouble the House by saying a few words upon it. The necessity of such reform had been often asserted by eminent men both in that and the other house of parliament: it had been acknowledged by the right hon. gentleman over the way (Mr. Pitt) and by his right hon. friend (Mr. Fox); from the influence of different interests, however, every attempt to introduce a reform had hitherto proved unsuccessful. That the proposition had been relinquished by the right hon. gentleman, and had never since been brought forward, he rather attributed to its failure of success on former occasions, than to any change of opinion on the subject. He meant not to throw imputations on any gentleman, or to censure them for a desertion of the cause which he supported; so far from entertaining such an idea, he hoped and trusted he should find them forward friends and advocates of

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the proposition. He was fully convinced that since the subject had been last brought forward, a considerable change had taken place in the minds of the people, and that the necessity of a reform was at present pretty generally acknowledged. Abuses had been permitted to creep into the constitution through neglect, or had been introduced into it by corruption, and those abuses were of a nature so dangerous, that they threatened the very existence of the constitution itself. A reform, therefore, he was persuaded, was the only mode of preserving it from rapid decay, and that on that measure the security of the country, and the continuance of its freedom, depended. The times were critical, and the minds of the people agitated. It was to do away every cause of complaint, and to preserve the peace of the public and the general tranquillity, that he wished a reform to take place in the representation. Within the two last years the privileges of that House had been curtailed and infringed, in a greater degree, than in any preceding period of equal duration. In his mind it was a point of the utmost importance that the House should enjoy the good opinion of the public, and possess their confidence as a true representation of the people. If the House was not considered as the true representatives of the people, the worst of dangers were to be apprehended. The loss of that character might produce all the miseries of civil commotion, with which God forbid this nation should ever be be afflicted! If there were those who wished to promote confusion and excite mischief, he exceedingly regretted it; he disclaimed all connexion with such persons, and must ever reprobate their conduct. He was convinced, however, that the evils which threatened the constitution, could only be corrected by a timely and temperate reform; and, in his mind, the measure demanded the serious consideration of every friend to his country, and would be found deserving of his support. He trusted, therefore, that between the present day, and that on which he should bring forward the proposition, gentlemen would weigh well the question and give it their most deliberate attention; and in that interval he hoped the sentiments of the people on the subject would be fully ascertained*.

Mr. *Pitt* said, he believed it was not strictly regular to enter into any observations upon a mere notice of a motion; and therefore he was under the correction of the chair, whether or not he should articulate a syllable.—[Go on! Go on! was echoed from different parts of the House.] He then proceeded. If ever there was an occasion, in which the mind of every man, who had any feeling for the present, or hope for the future happiness of this country, should be interested, the present was the time for its exertion. The present was the time in which the whole House should lose sight of form in the regulation of debate, and apply at once to the substance of the subject. Nothing could be said upon this subject, at this time, that did not involve the questions of the most serious and lasting importance to the people of this country, to the very being of the state. He had other motives, he confessed, besides the general importance of the subject, to say a few words now upon it. It was a question on which he had thought attentively. He was unwilling to weary the House with many observations upon his own conduct, or what seemed not exactly to correspond with what he had professed in the earliest part of his public character; because he was convinced that the question to be brought forward on this subject, would involve something more than the character, the fortune, the connexion, the liberty, or the life of any individual. It might affect the peace and tranquillity which, under the favour of Providence, this country had, for a long time, enjoyed, in a superior degree, perhaps, to any part of the habitable globe. It might affect us, who, from the time of general darkness and bondage to the present hour, had sat quietly, perceiving other powers struggling with tyranny and oppression, while we enjoyed our freedom it might even bring us into anarchy and confusion worse, if possible, than if we had to contend with despotism itself.—He thought the country should know what the opinions of public men were upon the subject now before them, and how they felt at this moment. He confessed they had a peculiar right to know from him his opinion on the subject of parliamentary reform. He could have wished that a subject of this immense importance had been brought forward at a time when he was

* The following is a Copy of the Declaration and Address of the Society instituted for the purpose of obtaining a Parliamentary Reform, referred to in the course of this Debate,

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personally more able to take an active part in a debate than at present, but above all, on a day on which the House had no other matter to attend to. He wished, also, the hon.

Freemasons Tavern, 26th April 1792.

At a General Meeting of the Society established on the 11th instant, under the title of 'The Friends of the People,' associated for the purpose of obtaining a Parliamentary Reform, William Henry Lambton, esq. in the Chair,

Received a report from the committee appointed by the resolution of the 19th instant, consisting of the following persons:

William Baker, esq M. P. chairman.
Charles Grey, esq. M. P.
Samuel Whitbread, jun. esq. M. P.
John Wharton, esq. M. P.
Richard Brinsley Sheridan, esq. M. P.
Philip Francis, esq M. P.
Hon. Thomas Maitland, M. P.
William Henry Lambton, esq. M. P.
George Rous, esq.
John Godfrey, esq.
William Cuninghame, esq.
James Mackintosh, esq.

Read a draught of an Address to the people of Great Britain, contained in the report of the committee.

Resolved unanimously, That the said Address is approved of and adopted by this meeting.

Resolved unanimously, That the Declaration already agreed on, together with the said Address, be printed and published, with the names of the subscribing members, and that the committee be instructed to print and publish the same.

DECLARATION.

A number of persons having seriously reviewed and considered the actual situation of public affairs, and state of the kingdom, and having communicated to each other their opinions on these subjects, have agreed and determined to institute a society, for the purpose of proposing to parliament, and to the country, and of promoting, to the utmost of their power, the following constitutional objects, making the preservation of the constitution, on its true principles, the foundation of all their proceedings.

First,—To restore the freedom of election, and a more equal representation of the people in parliament

Secondly,—To secure to the people a more frequent exercise of their right of electing their representatives.

The persons who have signed their names to this agreement, think that these two fundamental measures will furnish the power and the means of correcting the abuses, which appear to them to have arisen from a neglect of the acknowledged principles of the constitution, and of accomplishing those subordinate objects of reform, which they deem to be essential to the liberties of the people, and to the good government of the kingdom.

Signed by

Chs. Grey, esq. M. P.
Hon. Thos. Maitland, M. P.
George Rous, esq.
W. Cuninghame, esq.
John Tweddell, esq.
Earl of Lauderdale.
Nic. Raynsford, esq.
Jas. Mackintosh, esq.
Thos. Christie, esq.
Malcolm Laing, esq.
Rt. hon. ld. Kinnaird.
Jas. Archdekin, esq.
Wm. Harwood, esq.
David Godfrey, esq.
Higgins, Eden, esq.
Ph. Francis, esq. M.P.
Charles Goring, esq.
J. Hurford Stone, esq.
W. H. Lambton, esq. M. P.
John Godfrey, esq.
George Tierney, esq.
Arthur Piggot, esq.
J. B. Church, esq. M.P.
Gilbert Ironside, esq.
T. B. Hollis, esq.
W. Baker, esq. M. P.
Sam. Whitbread, jun. esq. M. P.
Dud. North, esq. M.P.
Sir J. Throckmorton, bt.
John Courtenay, esq. M. P.
M. A. Taylor, esq. M.P.
William Breton, esq.
Thos. Rogers, esq.
Hon. T. Erskine, M. P.
R. Knight, esq.
Thos. Thompson, esq. M. P.
Col. Tarlton, M. P.
H. Howorth, esq.
Mr. Serjeant Bond.
Wm. Lushington, esq.
Rt. Hon. Ld. J. Russell, M. P.
Samuel Rogers, esq.
T. C. Curwen, esq. M. P.
Peregrine Dealtry, esq
R. B. Sheridan, esq. M. P.
Wm. Fullarton, esq.
Norman Macleod, esq. M. P.
James Losh, esq.
John Sawbridge, ald. esq. M. P.
Richard Weld, esq.
John Claridge, esq.
J. Warton, esq. M. P.
Jas. Martin, esq. M. P.
W. Smith, esq. M. P.
John Scott, esq. M. P.
Sir Bell. Graham, bt.
G. Byng, esq. M. P.
John Cartwright, esq.
Jer. Batley, esq.
Ralph Carr, jun. esq.
Ralph Milbank, esq. M. P.
Henry Howard, esq.
Sir J. W. S. Gardiner, bart.
B. E. Howard, esq.
E. B. Clive, esq.
H. Howard, esq. M. P.
John Leach, esq.
John Nichols, esq.
Jos. Richardson, esq.
John Towgood, esq.
Wm. Chisholm, esq.
John Fazakerly, esq.
R. S. Milnes, esq. M.P.
Samuel Shore, esq.
S. Shore, jun. esq.
Chas. Warren, esq.
Long Kingsman, esq.
Ed. Jer. Curteis, esq.
S. Long, esq. M. P.
Henry Swann, esq.
T. B. Rous, esq.
D. O'Bryen, esq.
J. Lodge Batley, esq.
James, West, esq.
R. Carp. Smith, esq.
W. Powlett Powlett, esq. M. P.
George Livius, esq.
Rt. Hon. Lord Daer.
Hon. John Douglas.
Rt. Hon. Lord Edw. Fitzgerald.
Rev. Dr. Kippis.
James Jacque, esq.
F. Love Beckford, esq.
Adam Walker, esq.
Rich. Sharp, esq.
Rev. Dr. Jos. Towers.
John Clerk, esq.
Thomas Bell, esq.
John Wilson, esq.
Andrew Stirling, esq.

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gentleman would bring it forward on some distinct proposition stated to the House, that they might, early in the next session of parliament, take the whole question into consideration; in which case he should, perhaps, have reserved himself until the day appointed for the consideration of the subject: but as this was a general notice, without any specific proposition, he must say he felt no difficulty in asserting, in the most decisive terms, that he objected both to the time and the

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Address to the People of Great Britain.

No man, who is not ready to express his concurrence in our principles, by signing the declaration, can be admitted into our society. The objects of it, as we conceive, are of a nature at all times fit to be pursued and recommended to the country. At different periods they have heretofore been avowed and supported by the highest authorities in this kingdom; by eminent individuals, and considerable bodies of men; by Mr. Locke and judge Blackstone; by the late earl of Chatham, and sir George Savile; by the duke of Richmond, the marquis of Lansdowne, Mr. Pitt, and Mr. Fox; by petitions from several counties, and by repeated declarations from the city of London.

In appealing to the avowed opinions of men of established reputation, or of distinguished rank in their country, we do not mean to strengthen the reason, or enforce the necessity of the measure we propose, so much as to obviate all personal imputations, which the enemies of the cause will be ready to throw upon those who support it. It is not that, on our own account, we dread the effect, or regard the impression, which such imputations may produce; but we think it material to the credit and success of our proceedings, to show, that we are not aiming at reforms unthought of by wise and virtuous men: that our opinions neither possess the advantage, nor are liable to the objection of novelty; and that we cannot be accused or suspected of factious purposes, or dangerous designs, without extending the same accusation or suspicion to the motives of men, whose situation and property, independent of their character, principles, and abilities, have given them a most important stake in the peace and good government of the kingdom.

Convinced by our own reflections, by experience, and by authority, that the thing we propose to do, is fit to be done, we have, with equal deliberation, weighed the reasons that may recommend, or be objected to the present time, as the most or least proper for bringing it forward. On this point, we have no address to make to the determined enemies of a reform of every kind. Their objection, whether valid or not, is to the substance of the measure, and cannot be abated by circumstances. To those who concur generally in the principle, but who may be inclined, by particular reasons, to defer the attempt, we seriously wish to submit the following considerations:—That admitting this to be a season of general tranquillity in the country, it is, on that account, the more proper for temperate reflection, and prudent exertions to accomplish any necessary improvement; it is the time when practical measures for that purpose are most likely to be adopted with discretion and pursued with moderation. If we are persuaded to wait for other times, of a different complexion, for times of public complaint, or general discontent, we shall then be told, that general remedies are not fit to be proposed in the moment of particular disorder, and that it is our duty to wait for the return of quiet days, unless we mean to create or increase confusion in the country. The result of this dilemma, if it be suffered to prevail, is pure and absolute inactivity at present, and for ever. On the other hand, if it be true, as we are convinced it is, that, in this general appearance of tranquillity, there is some mixture of discontent, as well as of strong and well-grounded opinion, on the subject of abuses in the government, and corruptions of the constitution, we wish it to be considered by men, whose judgment has been formed or enlightened by experience, and whose actions are most likely to be directed by prudence, whether, in taking proper measures to remove the cause and objects of such discontent and opinion, the choice of the time be not a material part of the measure; and whether the earliest time that can be taken, for preventing the increase of an existing evil, be not the safest and the best?

The example and situation of another kingdom, are held out to deter us from innovations of any kind. We say, that the reforms we have in view, are not innovations. Our intention is, not to change, but to restore; not to displace, but to re-instate the constitution upon its true principles and original ground. In the conduct of persons most likely to reproach us with a spirit of innovation, we see a solid ground for retorting the imputation. Their professions of admiration of the beauty and of zeal for the security of the constitution, appear to us too lavish to be sincere, especially when compared with those practical violations, with which they suffer this beautiful system to be invaded, and to which they never refuse to give their concurrence. They will not innovate, but they are no enemies to gradual decay; as if the changes insensibly produced by time, and nourished by neglect, were not in effect the most dangerous innovations. But what security have we, that the dispositions of such men are not something worse than passive? How are we assured that, in praising the constitution, their intention is not to adorn a victim, which they wish to sacrifice, or to flatter the beauty they

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mode in which this business was brought forward. He felt this subject so deeply, that he must speak on it without any reserve. He would therefore confess, that, in one respect, he had changed his opinion upon this subject, and he was not afraid to own it. He retained his opinion of the propriety of a reform in parliament, if it could be obtained without danger or mischief, by a general concurrence, pointing harmlessly at its object. But he confessed he was afraid, at this

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are endeavouring to corrupt? Let their intention be what it may, we answer their accusation in the words of one of the wisest of mankind (lord Bacon): "that time is the greatest innovator; and if time of course alter things to the worse, and if wisdom and counsel shall not alter them to the better, what shall be the end?"

By the reform proposed by lord Chatham, [Jan. 22, 1770,] he declared in the House of Lords, that he meant to infuse a portion of new health into the constitution. The duke of Richmond has declared [Jan. 17, 1783.], that "his reasons in favour of a parliamentary reform were formed on the experience of twenty-six years, which, whether in or out of government, had equally convinced him, that the restoration of a genuine House of Commons, by a renovation of the rights of the people, was the only remedy against that system of corruption, which had brought the nation to disgrace and poverty, and threatened it with the loss of liberty."

Other authorities, in favour of a parliamentary reform, as direct and explicit as these, might be quoted in abundance. The Public is possessed of them. We rather wish to encounter, because we are sure we can efface, in every rational mind, the impression, which may have been made by a view of those events which have attended a total change in the constitution of France. We deny the existence of any resemblance whatever between the cases of the two kingdoms; and we utterly disclaim the necessity of resorting to similar remedies.—We do not believe that, at this day, an absolute avowed despotism, in the hands of the executive power, would be endured in this country. But who can say, to what conclusion the silent unresisted operation of abuses, incessantly acting, and constantly increasing, may lead us hereafter; what habits it may gradually create; what power it may finally establish? The abuses in the government of France were suffered to gather and accumulate, until nothing but an eruption could put an end to them. The discontent of the people was converted into despair. Preventive remedies were either not thought of in time, or were not proposed until it was too late to apply them with effect. The subversion of the ancient government ensued. The inference from this comparison is at once so powerful and so obvious, that we know not by what argument to illustrate or enforce it. We mean to avert for ever from our country the calamities inseparable from such convulsions. If there be, as it is said, in any part of this kingdom, a disposition to promote confusion, or even to arrive at improvement by unconstitutional and irregular courses, we hold ourselves as strictly pledged to resist that disposition, wherever it may appear, as to pursue our own objects by unexceptionable methods. If, on the contrary, it be true, that the mass of the people are satisfied with the present state of things, or indifferent about it; if they approve of the representation as it stands, the form of election, and the duration of the trust; or if, condemning these things, they are determined, from indolence or despair, not to attempt to correct them; then indeed the efforts of individuals may be ineffectual, but they cannot be injurious to the peace of the community. If the spirit of the constitution be dead in the hearts of the people, no human industry can revive it.—To affirm, that extensive mischief may be done by a statement of facts or arguments, which make no general impression on the public mind, is a proposition that contradicts itself, and requires no other refutation. We trust it will be proved by experiment, that these inconsistent assertions are equally unfounded, and that the people of this country are no more disposed to submit to abuses without complaint, than to look for redress in any proceedings repugnant to the laws, or unwarranted by the constitution. Between anarchy and despotism, speaking for ourselves, we have no choice to make; we have no preference to give. We neither admit the necessity, nor can we endure the idea of resorting to either of these extremities as a refuge from the other. The course we are determined to pursue, is equally distant from both.

Finally, we assert, that it must be blindness not to see, and treachery not to acknowledge,

That "[Blackstone,] the instruments of power are not perhaps so open and avowed as they formerly were, and therefore are the less liable to jealous and invidious reflections; but they are not the weaker upon that account. In short, our national debts and taxes have, in their natural consequences, thrown such a weight of power into the executive scale of government, as we cannot think was intended by our patriot ancestors, who gloriously struggled for the abolition of the then formidable parts of the prerogative, and by an unaccountable want of foresight, established this system in their stead." Our general object is, to recover and preserve the true balance of the constitution.

These are the principles of our Association, and, on our steady adherence to them, we look with a just confidence to the approbation and support of the people in the prosecution

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moment, that if agreed on by that House, the security of all the blessings we enjoyed would be shaken to the foundation. He confessed, he was not sanguine enough to hope that a reform at this time could safely be attempted. His object always had been, but now most particularly so, to give permanence to that which we actually enjoy, rather than remove any subsisting grievances. He conceived that the beautiful system of our constitution, and the only security we had for the continuance of it, was in the House of Commons; but he was sorry to confess, that that security was imperfect, while there were persons who thought that the people were not adequately represented in parliament. It was essential to the happiness of the people, that they should be convinced that they, and the members of that House, felt an identity of interest: that the nation at large, and the representatives of the people, held a conformity of sentiment: this was the essence of a proper representative assembly; under this legitimate authority, a people could be said to be really free; and this was a state in which the true spirit of proper democracy could be said to subsist. This was the only mode by which freedom and due order could be well united. If attempts were made to go beyond this, they ended in a wild state of nature that mocked the name of liberty, and by which the human character was degraded, instead of being made free. He once thought, and still thought, upon the point of the representation of the Commons, that if some mode could be adopted, by which the people could have any additional security for a continuance of the blessings which they now enjoy, it would be an improvement in the constitution of this country. That was the extent of his object; further he never wished to go; and if this could be obtained without the risk of losing what we have, he should think it wise to make the experiment. When he said this, it was not because he believed there was any existing grievance in this country that was felt at this hour. On the contrary, he believed that at this moment we actually did enjoy as much happiness as we should, or that a rational man ought to hope for. He believed that we were in a state of prosperity and progressive improvement rarely equalled, never excelled, by any nation at any period in the history of the world.—He now came to the time and mode of bringing this subject forward. Upon these points, every rational man had two things to consider. These were, the probability of success, and the risk to be run by the attempt. Upon the latter consideration he owned, his apprehensions were very great: he feared the corruptions that might follow the attempt; and looking at it in both views, he saw nothing but discouragement. He saw no chance of succeeding in the attempt in the first place, but saw great danger of anarchy and confusion in the second. He saw no wisdom in attempting any thing, without a united and careful attention to the probable consequences, with fear and dread. It was true, he had made some attempts upon this subject himself—but at what time? What were the circumstances in which he did so? There was then a general apprehension, which now, thank God, was referred to rather as a matter of history than any thing else; all fear of danger was entirely removed; but there was then a general feeling, that we were upon the verge of a national bankruptcy, and a strong sense was entertained of practical grievances:—this was at the conclusion of the American war; succeeding a period, when the influence of the crown was declared to have increased, to be increasing, and that it ought to be diminished. Many thought, and he was of the number that unless there was a better connexion between the parliament and the people, and a uniformity of sentiment between them, the safety of this country was endangered. Many moderate men at that time admitted, there were abuses that ought to be corrected; but, having weighed the whole state of the case, even as it stood then, they were of opinion, that although some evil was to be met with, yet that, on the whole, the good preponderated, and, therefore, from a fear of possible consequences, they voted against his

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of our object. A measure, so likely to be opposed by the united strength of various interests, can never succeed, but by the declared and hearty concurrence of the nation.

Resolved unanimously,

That a motion be made in the House of Commons, at an early period in the next session of Parliament, for introducing a parliamentary reform.

Resolved unanimously,

That Charles Grey, esq. be requested to make, and the hon. Thomas Erskine to second, the above motion.—Signed, by the unanimous order of the meeting,

W. H. Lambton, Chairman.

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plan of reformation. If in such a time, and under such circumstances, moderate men thought in this way, what would they think under the present circumstances? He put it not only to that House, but also to the country at large; and he would ask all moderate men in it, what were their feelings on this subject at this moment? He believed that he could anticipate the answer—"This is not a time to make hazardous experiments." Could we forget what lessons had been given to the world within a few years? Could we suppose that men felt the situation of this country, as now happily contrasted with others, to be in a deplorable condition? Could we expect that these moderate men would become converts to the new system attempted in another country—a system which all men would reject? He hoped that such doctrine would not find many proselytes among the moderate and the peaceable; if not, there could be no hope of success, and consequently, no wisdom in the attempt. But it seemed that there were a great number of persons in this country who wished for a reform in parliament, and they were increasing daily. That their number was great, he was happy enough to doubt; what their interest or their vigour would be, if called upon to exert themselves, against the good sense and courage of the sober part of the community, did not occasion him much apprehension. He did not mean to allude to the sentiments of any particular member of that House for the purpose of being severe; but when they came in the shape of advertisements in newspapers, inviting the public as it were to repair to their standard and to join them, they should be reprobated, and the tendency of their meetings exposed to the people in their true colours. He was willing, as long as he could to give gentlemen the best construction that could be put upon their actions; but the advertisements he alluded to in the public newspapers, were sanctioned with the very name of the gentleman who had given the present notice. He would say, that there should be a great deal of activity on the part of the friends of our constitution, to take pains properly to address the public mind, and to keep it in that state which was necessary to our present tranquillity. He had seen with concern that those gentlemen of whom he spoke, who were members of that House, were connected with others, who professed not reform only, but direct hostility to the very form of our government. This afforded suspicion, that the motion for a reform was nothing more than the preliminary to the overthrow of the whole system of our present government; and if they succeeded, they would overthrow what he thought the best constitution that was ever formed on the habitable globe. These considerations led him to wish the House to take great care that no encouragement should be given to any step that might sap the very foundation of our constitution. When he saw these opinions published, and knew them to be connected with opinions that were libels on the form of our government, —the hereditary succession to the throne —the hereditary titles of our men of rank —and the total destruction of all subordination in the state, he confessed he felt no inclination to promise his support to the proposed motion for a parliamentary reform. It was to follow a madness which had been called liberty in another country —a condition at war with freedom and good order—a state to which despotism itself was preferable—a state in which liberty could not exist for a day; if it appeared in the morning, it must perish before sunset.—He begged leave to assure the House, that he thought it his duty, to the last hour of his life, to oppose, to the utmost of his power, attempts of this nature. So much did he disapprove of the present attempt, that, if he were called to choose either to hazard this, or for ever abandon all hopes or desire to have any reform at all, he would say he would have no reform whatever; and he believed that as a member of parliament, as an Englishman, and as an honest man, it was his duty to make that declaration at once. He wished the hon. gentleman to reflect on his character, the stake he had in the country, and the hazard to which he might expose himself.—All, all might be lost by an indiscreet attempt upon the subject! He could not help lamenting that this notice had been given. He had then made, he said, a sort of compendium of all the objections he should submit to the House if the motion should ever be made, and concluded with an encomium on the constitution of this country—a monument of human wisdom, which had hitherto been the exclusive blessing of the English nation.

Mr. *Fox* said, he understood that they were in some measure to consider themselves as debating some part of the subject in the present stage of it, and the

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question now was, whether this subject should, or should not, be brought forward early in the next session of parliament? He felt additional difficulty from the speech he had just heard, and he was sorry to find it received so much of the approbation of the House. He knew that within the walls of that House, the words "parliamentary reform" were completely unpopular. The public, he believed, regarded it in a very different view; and therefore he should state to the House what the feelings of his mind were upon the subject. First of all he begged it to be remembered, that he never professed to be so sanguine upon this subject as the right hon. gentleman who had just spoken; but, although less sanguine, he happened to be a little more consistent in this case; for he had, early in his public life, formed an opinion of the necessity of a parliamentary reform, and he remained to this hour as fully convinced as ever of that necessity. The danger which then existed, still existed to the liberty of the people. The chancellor of the exchequer had, year after year, made speeches in favour of a parliamentary reform. He had followed it up to the year 1785, when at last his ardour forsook him. The cause for this reform had, so far from being diminished been progressively increasing, and most of all in the two last sessions of parliament. He had given his reason upon this subject before; he would not now say that there must be a parliamentary reform; he was almost forbidden to talk of it from the speech he had just heard; but, unless something was done—he knew it was not agreeable to the House to hear it—but he would repeat, that, unless something was done to quiet the minds of the people, there would be some difficulty in preserving the internal tranquillity of this kingdom for any great length of time. The misfortune was, that the proceedings of that House often were at variance with the opinion of the public. Of the truth of this the armament against Russia was a striking instance. The declaration of the House was, that we should proceed to hostilities; the declaration of the people was, that we should not; and so strong was that declaration, that it silenced and overawed the minister, with his triumphant majority; he was obliged to relinquish his plan at a time when he had a confiding and implicit majority. What was the consequence? That the people of England were at this moment paying the expense of an armament for which they never gave their consent; and that, as far as that went, they paid their money for not being represented in parliament; that their sentiments were not spoken in parliament; and, what was still worse, that, when a complaint was made of the impropriety of this, those who called themselves the representatives of the people, refused to inquire into the subject at all; they did not think it worth while to clear up to the people any part of the transaction, so as to show them the folly of their opinion, and the wisdom of their representatives. These were the points that disgusted the public with the proceedings of parliament. The truth was, that the principle on which this, as well as other votes, had been given by that House, was wrong in itself; it was the confidence which had been so implicitly given to the minister, and that too, not merely to him from experience of his probity and talents, but because he was minister; the doctrine was, that the agent of the executive power for the time being, be he who he might, was entitled to confidence; and if he afterwards committed what the people called a blunder, no inquiry should be had into his conduct. As to the other part of the right hon. gentleman's speech, which related to the allies of his hon. friend, he thought he should give it a complete answer, by saying to the minister, pray, who will you have for yours? On our part there are infuriated republicans—on yours, there are the slaves of despotism; both of them unfriendly, perhaps, to some part of the constitution of their country, but there was no comparison between them in point of real hostility to the spirit of freedom; the one, by having too ardent a desire for liberty, lost sight of the true medium by which it was to be preserved; the other detested the thing itself, and were pleased with nothing but tyranny and despotism.

As to the books that had been lately published upon the principles of government, and to which the minister alluded, when he talked of dangerous doctrine against monarchy, he could only say, that he had not read many of them: there were two well-known pamphlets, written by a gentleman, who had distinguished himself as an author, during the American war, a native of that country, of the name of Paine. One of these pamphlets he had read; the other he had not seen; and he must say, that whatever merit might be

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met with in that publication, he could not suppose we were so far reduced, as to be in any great danger from the abuse of a foreigner; nor because, perhaps, (he did not remember seeing it, by-the-by), the word "reform" was to be seen in the "Rights of Man," that therefore all those who thought a reform necessary, agreed with the general tendency of that book; the truth was, that the book, called "Rights of Man," was a performance totally different from all ideas of reform in our government. It went the length of changing the form of it. Why, then, should those who professed reverence for the constitution of this country, be charged with having taken up the sentiments contained in a book that was a libel on it? As to the fear of innovation, he confessed there appeared to him to be very little in it; at least it could not be well urged, by the right hon. the chancellor of the exchequer, because upon that point he must argue against himself; if innovation was wrong now, it must have been so always, when the right hon. gentleman brought it forward. In short, the longer the reform had been delayed, the more urgent it became, and care should be taken that the disease should not be permitted to increase, until it required a desperate remedy.

In short, upon the word "innovation" he must take the liberty of repeating what he had uttered almost the first time he addressed that House; an observation which some thought quaintly expressed, "That the greatest innovation that could be introduced in the constitution of England was, to come to a vote, that there should be no innovation in it." The greatest beauty of the constitution was, that in its very principle it admitted of perpetual improvement, which time and circumstances rendered necessary. It was a constitution, the chief excellence of which was, that of admitting a perpetual reform.

He saw nothing in any human institution so very sacred as not to admit of being touched or looked at; in his opinion, the permanency of the constitution must depend upon what the people thought of it, and before they could have any great reverence for it, it was necessary they should be convinced that the voice of their representatives was in unison with their own. He did not choose to make any invidious reference to past circumstances. If it was to be understood that the House of Commons should be the organ of the public voice, he must say that he could not help wishing that no minister might again advise the sovereign to disregard the address of the House of Commons, because it did not speak the voice of the people. Mr. Fox here alluded to the chancellor of the exchequer's conduct in the year 1784, when the House of Commons addressed the king not to dissolve the parliament at that alarming crisis. He could not, he said, conceive any thing more dangerous than such a practice. He here took a view of the present administration, and the history of it, as applicable to the present subject, and confessed that there was a great deal of the right hon. gentleman's speech that he did not understand, when compared with some of his former declarations.

Much had been insisted, although obliquely, as to the supposed terrific situation of France, upon which he should observe, that the old government was so detestable, that the most moderate man he ever heard in his life had agreed, that if it could be proved that great improvements might not be introduced into it, the whole of it ought to be overthrown at once; the revolution therefore was justified, and therefore there did not appear to him so much danger from the supposed contagion of their example; to dread similar danger we should be in similar circumstances, which was nothing like the case. Why, then should we shut the door against reform? Whenever he heard speeches on the dreadful situation of the French (tolerably well exaggerated by the way, in the accounts we received of their calamities, and of the defectiveness of the present form of their government), he always thought they preceded expressions of disapprobation of all reform in this country. If it was true that the people of this country felt grievances and really wished for a parliamentary reform, they had a right to have it; if, on the contrary, there were no such grievances, nor any such wishes, his hon. friend was in the right to give this notice; it afforded time to inquire into the facts, and called on the public for attention to the object. At all events, attention should be called to these things, and he believed it would turn out to be the general opinion, that a reform was wanting; for he believed it to be a principle which attended all human institutions, that unless they were amended, they would naturally become worse—that whatever was not improved must naturally degenerate.

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He might be asked, Mr. Fox said, why his name was not in the list of the society for reform? His reason was, that though he saw great and enormous grievances, he did not see the remedy. Had his hon. friend consulted him, he should have hesitated before he recommended him to take the part he had taken; having, however, taken it, he could not see why the present period was improper for the discussion. The right hon. gentleman, he thought, had in his warmth out-run himself, when he held forth Great Britain as the only power exempted from despotism and anarchy, and in possession of undisturbed liberty. France, Mr. Fox said, had entirely changed a detestable government. Poland, he hoped the right hon. gentleman would not maintain, was under a despotism; and he would make a false statement if he asserted that America was not in the full enjoyment of liberty—a liberty which had produced justice, commerce, wealth, and prosperity. The world he believed to be rapidly improving in science, in knowledge, and in virtue; and as philosophy was spreading her light around every part of the globe, England alone, he hoped, would not remain without improvement, and enveloped in the darkness of bigotry. Our constitution he admired, and particularly that principle of it which admitted of every improvement being grafted upon it safely. The crown, Mr. Fox said, had been curtailed of its prerogative, the lords had had their privileges abridged, and the Commons, within his memory, had also had their privileges abridged; he saw no danger, therefore, in continued reform, and had no difficulty in declaring himself a friend to improvement of every kind. He concluded with observing, that he wished the public to know the real object of this notice, namely, to call their attention to the subject of a reform in the representation of the people in parliament.

The *Speaker* reminded the House, that they had no motion before them, but said if it was their pleasure to proceed, he should submit entirely to their judgment.

Mr. *Burke* began by saying, that there were few subjects indeed, which would have induced him to come down, and deliver his opinions in that House, but this was certainly one which he thought he was in duty bound not to pass over in silence. He was now an old man, and there was still a stronger reason for his not engaging in the discussion of public questions—he had received from his best friends the best advice that they could have given to him; it was, to retire. His friends judged right, and he certainly thought himself unfit for business, when he recollected that he had lost such friends, as any man must have been proud to associate with and with whom he had so long acted with the most fervent and mutual sincerity. That being the case, the advice and the conduct of his friends, as well as twenty-seven years experience in parliament, was a warning for him how to guide his future proceedings in that House, or in other words, a warning to retire, considering himself at the same time as one who had done his duty, and had become old and infirm in the service of his country. Yet, while he left the more active concerns of life to the conduct of men more vigorous in years and in understanding, he still would put in his claim, as a friend to the country, to use his utmost exertions in its service, whenever an attack was made upon the constitution, and to defend its real interests against every attempt to overturn it. As invalids, therefore, were always put upon garrison duty, and though not the first for foreign service, were those who ought first to move when the garrison was attacked, it became his duty now to come forward; they ought especially to be foremost in the defence, because if they were worsted, they left behind them those who were possessed of more strength and greater power to defend it effectually.

In this view, he looked upon the present notice, which, taking it merely as a notice, he considered to be fraught with mischievous consequences; not that he meant to ascribe any wrong motives or intentions to those who brought it forward, because he knew well that there were amongst them many for whom he had the highest respect, and most sincere friendship; but, he must contend, that though their motives might be as pure and patriotic as could be, still, by acting upon an erroneous system, the consequences might be dangerous. He was happy to see, and to congratulate the House and the country upon one thing, and that was, that two very great, and deservedly very great men, both in the opinion of that House and of the country, gave similar opinions, and entertained similar sentiments upon this subject, with this only difference, that the right hon. gentleman opposite to him had stated his

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belief that no such grievances existed as ought to induce the House to agree to this idea of reform, and the other right hon. gentleman thought that if those grievances did exist, the friends to a reform had not proposed or held forth any thing like a remedy for them, because he was convinced that a parliamentary reform would not be an effectual remedy, if such grievances existed. He did not think that the word reform ought to carry that weight with it which some gentlemen seemed to allow. If a reform was necessary, the way to prove that it ought to be agreed to was first by stating the grievance, and then pointing out the specific remedy. This, however, had not been done in the present case. The friends to this plan of reform seemed to address the people in the same manner, as if a physican were to say to a patient, "You labour under a terrible disease, and must take any and every remedy we prescribe for you; whether it be opium, an emetic, a blistering plaister, or all together, you must take them, however discordant in effects, because, depend upon it, you are in such a desperate situation that you must do it." Similar was the present mode of telling the people, "You are unhappy, ought to be discontented, and call for a reform, though we do not even pretend to specify or show what reform is proper, or such as might be of any service to you." Mr. Burke said, he considered giving a vote in that House upon any subject as very different to joining an association for making converts to a cause by holding out to the people the necessity of complaining, when they themselves felt no cause for complaint. The present reformers appeared in the light of quacks, rather than regular physicians; they held out preventives when no disease was dreaded, and wished to cram them down the throats of the people, and make them complain, when they were not sensible of grievances, and when the public voice was completely different from what those friends to reformation stated it to be. He would ask, if the sense of the people had been consulted, whether this association would have been formed? Were there any petitions from the people stating their grievances? If this was not the case, was it good and constitutional doctrine to hold out to them, that the House of Commons was in itself a grievance? that there was in its formation something intrinsically corrupt? Let democracy get to its greatest extent in this country, or in that House, still it would be found that there were, and would continue to be, great men in that House upon different sides of any question, that must and ought to have influence. He regretted being obliged to notice what a right hon. friend of his had said, relative to the proceedings in the year 1784; their mischievous tendency he allowed as much as the right hon. gentleman; but what had arisen from the conduct of the different societies and clubs that associated in 1780, in various parts of the kingdom? These societies, in associating, were obliged to admit amongst their numbers men of very different principles, and reformers of various denominations; the consequence was, that no system could be thought of that suited the views of all, of course many were dissatisfied, and in the end they dropt every idea of their own reform. This failure, however, he could not ascribe to the right hon. gentleman opposite (Mr. Pitt), who did every thing he could to bring about a reform, and seemed as eager and zealous to effect it, as he enforced it with all the natural eloquence and energy that he possessed.

At that period, the acquiescence of the people was considered necessary, as he trusted it ever would, and it was found then, and he believed it would be found now, that the people had no such idea in their heads. They did not then, nor would they now, call for a parliamentary reform. What next did the right hon. gentleman say? Why, that they must make the people feel the grievances they laboured under, if they could not discover them themselves, and excite them to complaints which they knew no cause for; and all this they would do from the following argument that they know some reform is necessary, and that by putting it into the hands of such men as are, from their rank, fortunes, character, and respectability in the country, the most likely to propose a temperate and adequate reform, having much at stake themselves, they will study the more the interests of the people. As to the characters of the men, he would not hesitate a moment to pronounce them entitled to every encomium that could be bestowed on them; but would they pledge their characters and their consequence in the country, that when they have once raised a strong spirit of reformation and innovation

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amongst the people, they will have the power to guide their opinions, and prevent excesses, when the ideas of the people, may probably carry them to an ungovernable length, upon a subject of which they understand so little? If the hon. gentleman who proposed this could guide and regulate the public opinion as they could their own, the case would be different; but that was not possible, and therefore he thought there could be no such thing as a temperate reform. Let them recollect, that in the days of Hampden, Hyde, and other reformers, and at different periods of the English history, it was almost invariably found that the beginners of any reformation never saw it ended. This was one strong reason why they should not countenance any indefinite reform; for in fact they never could know its extent and its consequences.

He agreed perfectly with his right hon. friend, that this country had been for a very long time in a perpetual state of innovation and progressive reform, and though kings had reigned who rather checked than encouraged improvements of the constitution, yet it was found that improvements had, from time to time, taken place, and they were uniformly found to be rather in defence of the real constitution than innovations. It was likewise true, that we had at different times cut off certain branches of the prerogative, when those branches were found to be inimical to the welfare of the people; but we had always kept the lamp of the constitution burning, and supplied it occasionally with necessary assistance, without ever attempting to alter its former nature; we had seen a reformation, a revolution, and, on an abdication of the crown, we had seen a new family seated upon the throne; but we had never, at any one period, touched upon an alteration in the representation of the people till very lately. If we are in slavery, if in anarchy and confusion, if, in short, we labour under any grievance whatever, let us look if it proceeds from the representation of the people in parliament. Is the landed or commercial interest affected? does any one interest overpower or act against another in this country? can it be proved that such are the effects of the present representation of the people? He really believed not. The Russian armament had been mentioned, and certainly that was a subject upon which the opinion of the people was very decided, though that opinion differed widely from the opinion of that House. The people were decidedly against the measure, but yet they did not go so far as to say that the measure, ought to destroy the minister; and this, he contended, was generally the case with the people of England, whoever was minister at the time. It had been so with sir Robert Walpole, and would be so with every future minister.

He came next to what had been said on Paine's book, which he thought had been very properly termed by the right hon. gentleman a libel of the most infamous kind against the constitution of this country. He would ask those who supported those visionary schemes of reform, what it was they had to dread? Could they point out any person in that House who was the avowed friend to despotism? or could they suggest any thing like a conspiracy against the privileges of the people? He believed it was impossible; but he thought there was no difficulty in saying there were those in the country who were avowed enemies to the constitution [A cry of, Name them, name them!]. He begged gentlemen not to distress themselves by the repetition of calls, with which he could not comply. He would ask, whether he had called upon them in a similar way, when they had made allusions much stronger than he had done! however he would satisfy their curiosity on this point, by stating what the declared opinions of that night warranted him in doing, which was, that Paine's pamphlet was an infamous libel upon the constitution, and therefore that those clubs and societies who recommended that book to be read by the people, were the avowed enemies of the constitution, by prescribing to the people, what was admitted by the first men in that House, to be a libel on the constitution, and tending, by its contents, to subvert and overturn it. Mr. Paine had been called a stranger, a foreigner, not an Englishman, a Frenchman, nor an American. In short, he seemed to be a man who knew just enough of all countries to confuse and distract all, without being of the least use to any. There were in this country men who scrupled not to enter into an alliance with a set in France of the worst traitors and regicides that had ever been heard of — the club of the Jacobins. Agents had been sent from this country, to enter into a federation with that iniquitous club, and those agents were men

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of some consideration in this country; the names he alluded to were Thomas Cooper and James Watt. Here Mr. Burke read the address presented to the club of the Jacobins by those gentlemen on the 16th of April. He said, this was nothing of fancy or invention, but an avowal that there were clubs in this country, who bound themselves, by a federation with those regicides, to approve their conduct and act in concert with them. He likewise could name others who avowed similar principles; for instance, Mr. Walker of Manchester. And what did those people do? did they only give their own sentiments? No. By the answer of the Jacobin club, it appeared that those worthies of Manchester undertook —from what authority he knew not—to represent all England. This led him to state, that, however upright the motives of the hon. gentleman near him might be, they must necessarily, in order to succeed in their object, unite themselves with some of the worst men in the kingdom.

Mr. Burke ridiculed the idea of a moderate or temperate reform as impossible, nor could he look upon the present schemes as if there were two parties, one for a temperate reform, and the other for a subversion of the constitution. And he would ask those hon. gentlemen, if they could answer for all who might join them on this occasion, and were sure that they would be satisfied with moderate measures? He then observed, that France was not in a situation for reform, but was distracted by a violent party. He described the national assembly as consisting of seven hundred members, four hundred of whom were lawyers, three hundred of no description that he could name: and out of the whole he believed there were not six of them that possessed in any one way a hundred pounds per annum. Having treated the national assembly and their conduct with great contempt, he asked if this was a time for encouraging visionary reforms in this country? He said, though he had generally objected to the reforms formerly proposed, it was because the mode did not meet his approbation; and he never had resisted reform when he thought it likely to be useful; for instance, the reform moved by the right hon. gentleman opposite seemed to him, if it had been agreed to, productive of good effects, without risk of any harm; but in the year 1780, the associations in different parts of the country would have defeated any temperate reform. The noble duke who was then a reformer had proposed one mode, and the right hon. gentleman another, and he stated what the difference between them was. He adverted to the county meetings, which he thought not the most probable or quiet way of obtaining the sense of the people, or even knowing the true sense of those meetings. He made some remarks on confidence in ministers, which had been too much enlarged, both in 1784 and 1792, towards the right hon. gentleman opposite, as had been stated by his right hon. friend. He then declared his fixed admiration of that constitution which gave us freedom without losing order; and which, by increasing its order, increased its liberty; and which, he hoped and trusted, he ever should see a continuance of, unmolested and secure against every attack. Theories ought to be founded on experience, and instead of adapting the constitution to a theory, the theory he wished to see grow out of the constitution. He concluded, by putting it to the House to say, whether they knew of any existing grievance that warranted the risk, that must inevitably attend the proposed motion for a parliamentary reform.

Mr. *Fox* said, that he must explain, in a few words, three points on which the right hon. gentleman had misunderstood him. The first was not very material: it was, that, though he mentioned Paine's book as a libel on the constitution, he had not used the terms infamous and seditious, &c. which the right hon gentleman applied to it. The next was, that when he had mentioned confidence, it was without any personal allusion to the right hon. gentleman opposite, but to the king's ministers for the time; conceiving the confidence of late so much required by the executive power, as very unconstitutional and destructive. The third was, that he had not said that a parliamentary reform could be no remedy to existing grievances, but that he had heard of no specific mode of reform that he was convinced would be a proper remedy.

Mr. *Windham* said, he acknowledged that he saw more than an ordinary difficulty to speak on this subject; and felt considerable pain also, from being obliged to oppose any thing brought forward and supported by his hon. friends near him, with whom he always thought it an honour to agree. But, upon the present occasion, his duty and conviction led him,

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even upon the notice given, to offer his most solemn declaration, that, whenever, and in whatever shape, the motion for a parliamentary reform was brought forward, he must oppose it. Without going into particulars, he would confine himself to the mode of bringing it on; because it was not known either what were the grievances, or, if they existed, what remedy was to be applied to them; and he opposed it particularly on this ground, that it tended to raise and excite amongst the people an universal discontent where none existed previously. Entertaining these ideas, he certainly could not approve the policy of that mode of conduct which tended to change the situation of the country from calmness to ferment; nor could he avoid being astonished that men could think the present moment at all favourable for the discussion of such a question. He could not see a storm raised, and content himself with mere assurances, that a conductor would be provided to draw off its mischievous effects. Neither could he compliment the gentlemen of the association on the mode they had adopted; for they must derive success from other persons, and from allies whose views verged to objects more extensive than the completion of a parliamentary reform. He gave his hon. friends great credit for their motives; and he was sorry he could not add, for their judgment and prudence. For if they considered for a moment, they must know that, in all such associations of people, who met with different views and interests, there must be various schemes and opinions; and that it was impossible for the most proper and most temperate to conduct themselves so that many would not be dissatisfied, particularly as their motion must depend, for its success, upon a connexion and alliance with men of very different dispositions: improper men must be allied and associated with them, and their best endeavours would never satisfy them. In fact, though they talked of a temperate reform, there was no security for the consequences, but the vigour of the nation, which, he trusted, would be sufficient to oppose and repel every attack upon the constitution. He, for one, would do his utmost; and without any dread of having his conduct misconstrued or misrepresented, would unite with those who were determined to set their faces against every endeavour to subvert the true principles of the constitution. He did not mean to make any improper allusion to the motives of his hon. friends; but, as to their allies in this business, he must say, that there might be a great difference between their motives and their purpose; for a great many people might act from different motives for the same purpose; and for different purposes from the same motive. But the question seemed to be thus put by some people:—Either the public mind is already excited to complain by existing grievances, or it is not: if it is, the proposed scheme must be useful and innocent; if not, it is right to put it in the power of the people to consider of their real situation, and determine accordingly. This dilemma, which the printed papers seemed to put the people in, he disapproved of entirely, because there was nothing definite or conclusive in the proposition. It supposes the country to be dead to a sense of its grievances; which is bad, because it wishes to change the people from being dead into ferments and confusion. The grievances, if any there were, ought first to be pointed out and fully considered, and then the remedy that was to be applied; so that, by comparison, the system might be either approved or rejected. He had opposed the plan for reform brought forward by the right hon. gentleman formerly; but, certainly, when times were considered, he had far greater reason to oppose that about to be brought forward by his hon. friends, when the public mind, both here, and in other countries, was in such a state, that even the slightest scratch might produce a mortal wound. He stated the dangerous alliances which such associations must enter into. Whatever their ostensible or real motives might be, he agreed with the last speaker, that the beginners of reforms would not always end them, and that a temperate parliamentary reform was impracticable. He alluded to the doctrines of some of the clubs that had been mentioned, which tended to nothing short of a total subversion of the constitution. He recurred to the opinions of our ancestors, and the veneration in which they held the constitution, when the admiration of it was such, that any person, who had uttered a word of discontent, would either be reckoned mad or worse. He hoped and wished, from his heart, that every stage of this reformation might be resisted, and he trusted successfully; and was much afraid that

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his hon. friends were not aware that, by the alliances they formed, they were far from being certain that they were not fostering a young lion, which in the first moment of its power, might employ its strength against themselves. Upon all which grounds, he avowed his resolution to oppose the motion whenever it appeared.

Mr. *Erskine* said, he did not rise to answer the arguments or declamation he had that night heard, but merely to give his reasons for suffering his name to be printed with the resolutions of the association alluded to. If he had fallen into an error in this respect, he had the consolation to know, that he was not the beginner of that error. The right hon. gentleman himself, who, for talents and descent, as well as official situation, ranked amongst the first in the kingdom, was before him in it. That right hon. gentleman could not forget that he had once, and that his venerable father had always, entertained the same sentiments respecting the necessity of a parliamentary reform, which the association now professed.—Next, as to the mode and time of attemping a reform, he rejoiced that he had an opportunity of making his own defence in person, and of stating what he had done, why he had done it, and the time in which he had done it; and he did assure the House, the moment that his opinions were refuted, and his understanding convinced, he should be ready to acknowledge his error, and to retract it. After being thought worthy to be trusted with the affairs of other men—after having lived in various situations and different countries—he could not be induced to think himself so egregiously weak, as the hon. and eloquent gentleman who spoke last would represent all the members of that association. They were represented as sounding the trumpet of alarm, for the purpose of changing the constitution; but had such been their intention, he, as a lawyer, acquainted with the prosperity of our forefathers under the present constitution, and tasting himself of that prosperity as an individual, should not have lent to it the aid of his name.—By the very preamble of their Declaration, it might appear that the association looked to the constitution as their principle, and the vitality of their proceedings. He read the printed declaration of the association, and appealed to the House, whether the words, "making the preservation of the constitution, on its true principles, the foundation of all their proceedings," did not expressly limit them within a boundary, that precluded the possibility of their attempting any thing dangerous? Could they, he asked, consistently with that declaration, infringe the royal prerogative, or in any way meddle with the king's majesty, or the Lords? So far from injuring the constitution of this country, he would sooner turn back to the profession he had left, and fight and perish for it. In reply to any apprehensions of other danger, he should only quote the opinion of Dr. Johnson, and say, that "to suggest an idea of our constitution being overthrown by a rabble, was to suppose that a city may be destroyed by the inundation of its own kennels!"—Mr. Erskine said, he did not mean to enter into a historical disquisition on the subject, or remind the House that the present mode of election originally took place by accident; but would the right hon. gentleman (Mr. Pitt) propose as a resolution, that the representation of the people is adequate to every purpose of sound policy, and to the supposition of the constitution, and so condemn the notice which was given in parliamentary form? If not, what had happened since he had brought forward his motion for a reform, to make such a measure less expedient, or less necessary now than it was then? Grant that the country was in a more prosperous situation, yet it had no security against a relapse, but in the wisdom of the right hon. gentleman. But he was happy that the chancellor of the exchequer stood in the same situation with himself, and had at least equally incurred the censure of the very eloquent gentleman (Mr. Burke), since he had been amongst the first to excite the spirit of change, and had laid the foundation of that to which he and his friends were only about to add a brick.—It was the intention of the constitution, that the House of Commons should be a representation of the people. If he were to say what he thought as to the fact of its being so, there might be reason for interrupting him. He should say, however, that it was not a representation as it ought to be; and in recommending such a reform, as it would make it what the constitution meant it to be, he did not conceive that he could be charged with a wish to subvert the settlement, and propagate confusion and

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disorder.—He had spent a melancholy day in the court of King's-bench—melancholy, because he had that day heard a gentleman (Mr. Horne Tooke) say to a jury, in his own defence, that the rotten boroughs were looked upon in the House of Commons as its vital essence; that acts of parliament had been passed on their account, to take away the trial by jury; and that these acts were too infamous, and made by people too infamous, to be attended to by a jury of the country. Such an expression no man could have dared to venture upon, unless defects existed; and therefore the House ought not to suffer those defects to remain unremedied.—The Russian armament was an instance in which the sense of the House and the people were diametrically opposite. The parliament was all confidence, the people all murmur; and the House was proceeding, without hesitation, in every vote which the minister required, till called to order by the interference of the people. This never ought to happen, nor could it happen, if the people were adequately represented. If the facts on which the association had been founded, were either false or exaggerated, then their efforts would be still-born and abortive. But if, on the contrary, their union was formed on a right principle, and if it should also appear, that there were persons in the country who were determined to achieve every possible mischief to the constitution, then the association might take their motto from Mr. Burke, who had said, in one of his works, that "when bad men conspired, it became necessary for good men to associate." In this view of the question he might add, from the same authority, "that temperate reforms were wise in proportion as they were moderate, and that great reforms were bad as they were desperate. The latter ever resembled the conduct of a mob before a brothel, who abate the nuisance by pulling down the house." The reform which his hon. friend meant to propose, would be conformable to those maxims; and not being to be discussed till next session, that it was not now stated, was no more an objection to it, than it would be to the recipe of a physician, that it had not been written six months before the prescription was to be taken.—If the House did not afford relief, every man would be driven back to his individual capacity; and when the people began to act for themselves, it was to be feared, that their demand might not be so reasonable as at present. It had been said, that the manner of bringing forward the subject was wrong, because there was an application to the people. This application arose from the necessity of the case. In pleading the cause to the House, it was pleading it to the interested party. It was literally addressing argument to the deaf adder. He did not mean personal enmity to any right hon. gentleman, and he believed that he had as few enemies as any man; but would gentlemen consent to give up the privileges which they considered as their birth-right? they who were proprietors of boroughs, would they give them up? It was as if, in the course of his profession, he should attempt to plead for an ejectment to a jury, who were tenants in common of the estate which he claimed. He was a friend, in some degree, to what a right hon. gentleman called a natural aristocracy; but, during this administration, so many peers had been made, not for any of those merits which properly claimed the honour, but for possessing parliamentary influence, that this part of the constitution would be ruined by its own corruption. All those persons who were promoted to the peerage, left their delegates in that House. In fact, parliament was so constituted, that the right hon. gentleman, independent of his situation, as the first political servant of the Crown, could not, by the finest speech he ever made, and with the justest cause which he could choose, convert one single vote. The measures of the association so much alluded to, were the most likely to preserve the peace of the country; and it was therefore that he had subscribed to them. If their tendency was otherwise, he must be the worst of lunatics, his situation being considered, his unparalleled success, his prosperity so wonderful when his origin was viewed, his present possession of every thing to make a man happy, and his prospects, which there was nothing to interrupt. Why should he then waste his own constitution, when he was endeavouring to preserve that of the country, and when he might be in peace with his family, if his attempts were to endanger that prosperity which was so dear to him?

Lord *North* rose merely to express his disapprobation of the proposition. He expressed his satisfaction at the language

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held by Mr. Pitt, and assured him that he would co-operate with him in resisting the motion whenever it should be made. That association might be useful, and in some cases necessary, he was not prepared to deny, but that must be in cases of extreme exigency. He declared, he gave his hon. friends full credit for the purity of their intentions; but those who, like himself, preferred real and practical happiness, must stop at the onset, or they might wait till resistance would be too late, and the ability of his right hon. friend and those who might join with him in forming an opposition to stop the torrent of political fury, when once it was roused, might be overborne by the arts, ingenuity, and popular doctrines of Mr. Paine and his associates. He hoped his differing in this particular instance from the opinion of his hon. friend who had given the notice, would make no alteration whatever in that friendship which had hitherto subsisted between them, and which he looked up to as one of the comforts of the remainder of this life.

Mr. *Powys* said, he had read the association advertisement, and heard the notice given by his hon. friend, with a great degree of pain, but he considered it as no small alleviation of that pain, that the House were permitted the debate, since it was an acknowledgment of the importance of the subject, and a recognition that it was paramount to all the forms of the House. He entered his protest against the proposed motion, and thought it became every man to step forward and express his disapprobation of it. He was one of those, who at all times and under all circumstances, had opposed the idea of reform. His visual organs were, he said, so bad, that even with all the aid of the telescopes, or glasses of modern reformers, he could not see the defects and blemishes in the constitution which those oculists would fain point out. It had been well said, "when bad men conspired, good men must associate." Against whom were they to unite? He looked only to the genial heat that animated and invigorated the constitution, and not to little minute spots and blemishes, that might possibly be discovered in some parts of it. Let gentlemen before they gave any vote, compare the actual blessings they now enjoyed, with the theoretical perfection, which the hon. gentleman would have them possess. What would the hon. gentleman below him say would be gained by adopting their propositions? Were they to be tried by the merits of the question itself, or by some adventitious circumstance? We were not at present unquiet, but we were first to reduce the subjects of the country to a state of unquietness, and then carry the plan into execution. Were the gentlemen sure, that when discontents were once fomented, it was in their power to allay them? The hon. gentleman called himself a physician; had he felt his patient's pulse, and was he convinced his medicines would not operate to the destruction of the patient?

Mr. *Lambton* said, that if the declaration of the society were pregnant with such mischiefs as had been imputed to it, he should think himself insane when he signed his name to it. It was a fact too palpable to be denied, that abuses did exist in the representation of the people. The nation was tranquil, prosperous, and wealthy; the monarch on the throne beloved by his subjects; this was, therefore, the most proper time to consider temperately of these abuses, and apply the proper remedy. By what means had the public opinion on the slave trade been communicated to the House, but by associations of men comparing and speaking their sentiments upon it? So it would be in all cases founded on reason and justice. Whatever difficulties they might meet with at first, the House would at length be induced to hear and grant the remedy. He was sorry to hear reforms treated as visionary, and abuses glossed over by gaudy and sounding epithets. These might disguise, but could not conceal them. He was not a republican, a name attempted to be fixed on all who talked of reform. He was for the preservation of the three branches of our government, the union and co-operation of all, and an enemy only to that which rendered them odious and deformed. Their defects were what induced persons to write against the constitution itself, and others to read their obnoxious doctrines. To remove these defects, was to perform the best service to the constitution, by disarming its enemies of this only plausible argument.

Mr. *Thomas Grenville* said, it was not for the purpose of arguing the subject that he rose, but to discharge his duty by endeavouring to avert the danger that he feared, from the subject being in agitation; because the proposition that was

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brought forward tended to excite a spirit of complaint in the people. He was ready to coalesce with any man, in order to resist effectually the measure proposed, because he thought it was fraught with the utmost danger to the constitution.

Mr. *Sheridan* said, that when the motion should be brought forward, he trusted it would be met by argument and reason, rather than by declamation and clamour. He hoped there would be no radical dispute among those with whom he had the honour to act, or at least that their difference on a particular point would not be increased by the applause of the other side of the House. They who thought as he did, and had signed the paper in question, felt great anxiety in differing from their friends. They had not clamour to support them, and could find consolation only in the goodness of their cause. An hon. gentleman had called on all who thought as he did, to protest against their object. It was wisely done; for to protest was much easier than to argue. When the day of discussion came, however, he hoped those who thought with the hon. gentleman would have more respect, if not for the society, for the country at large, than to think that protests without argument would be sufficient. No question, he knew, could be more unpopular in the House: he had not so bad a taste as to wish to speak upon it on that account; but he should think it base and contemptible to shrink from his opinion, because an unmeaning clamour was excited against it. There was, indeed, one description of people who would be still more clamorous against the members and the object of the association, namely, all those who wished the destruction of the constitution, under the pretext of reform; and yet these were the men, whom they were told they must act with. Far from it; the true allies of such men were those who opposed a necessary and a temperate reform, who, on whatever sophistical arguments, abandoned their former principles in support of it. Was it a light argument mentioned by his learned friend, that sixty or seventy peers had been created, or promoted, by the present minister, for no distinguished abilities, but merely for their interest in returning members to the House of Commons? In this country peerages had been bartered for election interest; in a neighbouring kingdom they had been all but proved to have been put up to auction for money. The right hon. gentleman, formerly so zealous in the cause of reform, failing in his proposition for adding one hundred members to the House of Commons, had added almost an equal number to the House of Peers: in his public letter to Mr. Wyvill, he had professed himself a friend, both as a man and a minister, to parliamentary reform, and had pledged himself to pursue it till accomplished. What had since happened to change his opinion? He had been eight years a minister, and found he could do without it. They who thought reform at all times improper, were consistent; but let them be careful of what alliance they formed against it. Let them be particularly on their guard against the right hon. gentleman, who, while they leagued to oppose reform for ever, was watching only an opportunity convenient for himself; the constitution had no enemy so dangerous as hypocrisy; those who clung to it with all its defects, no man so much to dread as he who kept his principles in reserve, to be acted upon as he saw expedient for his own ambition or popularity, who one day led on the powers of prerogative, and another, the wildest advocates of democracy. He wished the question to be considered not as a party question, not as a miserable scramble for places and power, but to be taken upon its own merits, as an important constitutional question. With respect to the unreasonableness of the time for bringing forward such a motion, he wished to know whether it was considered so on account of the prosperous and tranquil state of the country, or on account of the increasing discontents of the people. One of the chief reasons that induced him to sign his name to the paper, was the seeing Mr. Walker's name to the Manchester resolutions. Mr. Walker was a man of sense, character, and opulence. Mr. T. Cooper, also, he had the pleasure to know. With regard to what a right hon. gentleman had said, of the correspondence between Mr. Cooper and the clubs at Paris, if he were furnished with the right hon. gentleman's speech, during the American war, in answer to some charges of having corresponded with the Americans, he dared say, he should have a very good excuse to set up. Just as it answered the purpose for argument the people were lowered or exalted; one gentleman had talked of their nourishing a young lion, and another of a

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storm. Those metaphors might be applied either way. If they were at sea in a ship, and were to see a storm rising, it would be more natural for a good seaman to say of the vessel, "there is a storm coming, let's examine the tackle, and see that her bottom is sound," than to say, "the ship is going on in her regular course; let her proceed, without any fears for her safety." Another gentleman had talked of the citadel. He would ask, was the citadel attacked? If it was threatened, was it not proper that they should repair to the ramparts and mount guard? With respect to the Russian war, the House, unfortunately for the hon. gentleman's argument, did nothing against the measure: but the people without doors disliked the war, and that compelled the chancellor of the exchequer to abandon his purpose.

Mr. *Rolle* said, he had ever opposed propositions of reform, and was determined to continue so to do.

Sir *James St. Clair Erskine* maintained, that the present representation in parliament was full, adequate, and competent to all the purposes of a House of Commons.

Major *Maitland* explained the reason that induced him to sign his name to the paper, and declared that from every thing he had heard, he was the more confirmed in his conviction of the propriety of his conduct in so doing.

Mr. *Grey* said, he had never felt more anxiety and irritation of mind than he had felt the whole of that day, and he rose then under the impression, for anxious and uneasy he must have been to find those whose good opinion was dear to him, deprecate with such strong expressions of apprehension and alarm, the notice which he had given. With respect to the preservation of the public tranquillity, he had as great a stake in the general quiet as any man in the kingdom; he could have no intention, therefore, to do any thing that should lead to anarchy, or create confusion. Two objections had been stated with regard to the subject of his notice—the one was the mode in which it was introduced; the other, the time at which it was brought forward. The mode, he declared, he had adopted, because he thought it the least exceptionable of any that could be chosen. But it was objected, that no specific proposition had been stated. Had he brought forward any specific motion, he should have been told that he ought first to make out some particular grievance, and then come forward with a proposal of a remedy. Some gentlemen had supposed that the Association were to frame some motion of reform, which was to be binding on all its members; but, whoever thought so, could not know any thing of its nature. Were the Association to resolve on some particular mode of reform, still it would not be binding on any member of it to agree to that mode, and to support it. He declared, he would not be connected with any set of men, who could act on terms so narrow-minded and illiberal. The fact was, that observing an opinion was rising in the country, that was likely to lead to danger, if means to prevent it were not taken in time, a set of gentlemen, of whom he had the honour to be one, had thought that the best possible means of preventing mischief was, to look into the constitution, and to suggest the correction of such abuses as might be found to exist in its practice, in order to take from its enemies that only great ground of their clamour, that the constitution was beautiful in theory, but corrupt in practice. With regard to the time of bringing it forward, that being a time of general tranquillity and quiet, it was thought peculiarly fit for the discussion of such a subject. He alluded to the conduct of that House, since the doctrine of confidence had been introduced. The right hon. gentleman, he said, had been minister eight years, during which time he had been enabled to make a Spanish armament, aud to agree to an ignominious convention. He had also made an armament against Russia, contrary to the express sense of the country. These alone afforded sufficient proof that some reform in the representation of the people in parliament was necessary; but far was he or any gentleman of the Association from meaning to do any thing that should trench upon the constitution; their object was, to preserve and maintain it; an object for which he was willing to sacrifice every thing that was dear to him.

Mr. *Ryder* rose to observe, that at present they had heard it admitted, that there was no discontent in the country; but that in the interim, between that time and the period at which the motion was to be made, discontents and tumults were to be excited. Thus apprized of the intention of the Association, it would become them to counteract it with vigour and effect. And he did hope, that the public had too

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much good sense to resort to speculative remedies for speculative grievance, in preference to actual and practical happiness.

Mr. *Grey* declared, he had not said any thing that could warrant such an assertion as the hon. gentleman had just made.

Mr. *Whitbread* said, that it was from the love that he entertained for the principles of the constitution, and a sincere wish to hand them down to posterity, that he had signed his name to the paper. He conceived the present to be the best time for making such a motion, when the country was in a state of tranquillity.

Mr. *Dundas* said, that something had fallen from the hon. gentleman who had spoken last but one which had a good deal surprised him. The hon. gentleman had disclaimed any idea of exciting popular discontents. Had not the honourable gentleman said expressly, that he meant not to address the House of Commons, but because he wished to address the people, he had given the notice that day? He did not know what they had been talking about all night, if that was not the object of the notice. He was not, for one, so much alarmed at the consequences of the notice, and of the Association, as other gentlemen had expressed themselves to be. He was persuaded that the great weight of interest in the kingdom, and a sense of the comforts and real happiness which the people enjoyed, would bear down every effort to make them discontented with the present constitution. Mr. Dundas took notice of the Associations of Sheffield and Manchester, whose avowed object was nothing less than the overthrow of the constitution; that was also the ultimate object of those who had set this question afloat. He did not mean the gentlemen of the Association in town, but those who had recommended Mr. Paine's book, and publicly praised it, and endeavoured to adopt the wild ideas it contained. Mr. Dundas read some words which he had taken down from Mr. Fox's speech, to prove that the right hon. gentleman had expressly declared, that he meant to excite the people; and he also quoted Mr. Erskine's speech, to prove that he had unequivocally declared that he aimed at the same end.

Mr. *Fox* wished to be correctly understood in what he had said: he certainly did use the word excite, because he held it to be a most meritorious thing to excite the attention of the public, and induce them to examine the constitution of the country from time to time, and to look into those abuses which had crept into it, and which, if they were suffered to continue uncorrected, would soon get to such a head as to defy all remedy.

Mr. *Dundas* declared, that the right hon. gentleman had exactly come up to what he had said, and therefore he concluded that he considered the Association and Mr. Paine's book, precisely in the same point of view.

Mr. *Fox* said, he had read but one of Mr. Paine's pamphlets, and that he did not approve it, and from what he had heard of the other, he was inclined to think, that he should not approve of that either; but he was not certain whether they had not done good, by leading men to consider of the constitution. In like manner the book of his right hon. friend (Mr. Burke) which he disliked as much as either of them, had, he believed, done some good, because, in his opinion, whatever led to a discussion of the subject was of service.

Mr. *M. A. Taylor* said, he had so long ago as the year 1785 voted against a reform of parliament, but, he had since changed his opinion on the subject, an alteration which the conduct of that House had occasioned. It was in consequence of that conduct that he had signed the paper, being convinced that it was necessary to go back to the people, and under the sanction of their authority to compel that House to do its duty.

Mr. *W. Smith* said, he signed the paper, because he had long been persuaded, that if the country were fairly represented in that House, the general interest could not fail to be promoted.

Sir *Francis Basset* thought it necessary to enter his protest against the measures meditating by those who had signed the Association paper. From his knowledge of those gentlemen he was persuaded their motives were pure, but he must deprecate the consequences of what they were going to do, as mischievous to the last degree. The Association clearly originated in the associations of Manchester and Sheffield, and could lead to no good end. His hon. friends put the most difficult task upon those who objected to a reform of parliament that was ever imposed on adversaries. They expected them to furnish arguments against a motion that had not been stated. He advised his friends to be cautious in their proceedings, as few people were qualified to

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"ride in the whirlwind and direct the storm." He had often heard of witches being able to raise a whirlwind, but he had never heard of a witch wise enough to calm the storm when it was raised.

Mr. *Baker* could not suffer the House to separate without removing an impression endeavoured to be cast on those who, like himself, had signed the Association. It had been in direct terms stated, that they originated in the Manchester and Sheffield Associations, and adopted the principles of Mr. Paine's book. So far from it, both the one and the other were expressly disclaimed by the Association, the object of which was to prevent any such pernicious doctrines obtaining, by coming forward, and calling upon the people to suggest a moderate correction of the abuses that prevailed in the representation of parliament.

Mr. *Francis* said: Sir, we are called upon for protests and declarations. I hope the House will indulge me with one minute of their attention, to receive mine among the rest, and the rather, as I have something to retract as well as something to declare. Sir, I never can bend my mind, before any human superiority, so much as to admit that any man in this country, let his rank and fortune, let his family and connexions, be what they may, can have a dearer pledge, a more heartfelt interest, than I have, in the prosperity and happiness, in the peace and good government of the kingdom. I said I had a retractation to make. To persevere firmly in a system or opinion once adopted, is a good presumptive proof of sincerity; but there may still be a better. It is possible to profess, but hardly possible to retract, an opinion, from any motive but conviction. To give your retractation its character of sincerity, it must be honourably declared, it must be publicly and deliberately avowed, with the reasons that belong to it. One would think, Sir, from the way in which the idea of a parliamentary reform has been treated, that the thing had never been thought of; that the name of it had never been mentioned in this House; that it appeared now, for the first time, a perfect and absolute novelty in the minds of men. Yet, since I have sat in parliament, it has happened to me twice to give my vote against different plans of reform, introduced by that right hon. gentleman, who now treats the very idea of a reform of any kind, not only as too criminal and extravagant to be encouraged by any rational mind, but as if, in fact, it had never occurred to his own. The part I took on those occasions, was rather negative than affirmative. I was guided by the natural influence of respectable authority; by plausibilities and doubts, by possibilities and apprehensions; but above all, I myself doubted, and therefore I stood still. I refrained from action, as all men ought to do, who are not sure they are acting right. My present opinion is positive, and for that reason is a proper ground of action. It has been taught me by reflection, and inculcated on my mind by the best of all instructors, my own experience. It is the view and contemplation of doctrines and principles, introduced from day to day, and of transactions in the last and present parliament, which have removed my doubts of the necessity of a reform in the actual construction of the House of Commons; doctrines new and dangerous;—principles false and destructive;—transactions ruinous and disgraceful; all which I saw encouraged and propagated instead of being condemned, as they ought to be. My opinion has been deliberately formed on the evidence of facts and my own observation, and never shall yield to clamour or to numbers, or to any other influence but that of conviction. We are accused, in violent terms, of uniting with parties, with whom we have no communication, and of supporting principles and abetting factions, which we have renounced, in the strongest terms that the English language could suggest. I had some share in the construction of the Declaration and Address; and surely I am, or ought to be, a competent judge of the true intent and meaning of those papers. Unless I have lived to these years without understanding my native tongue, I may safely challenge the most acute and malignant observer, to point out a single sentence, or even a word, to justify the atrocious charges brought against us. You look for our principles not in our declarations, but in the supposed views and projects of other men, whose views and projects, if any such exist, we have expressly renounced and disclaimed. As to the object we avow, we may or may not succeed in it. On that point I am not sanguine; but I am perfectly sure that they who have recourse to mere calumny and invectives, have not taken the best method to defeat us.

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Sir *W. Milner* was adverse to the promised motion. He stated what had passed in Yorkshire in his presence upon a grand jury, before whom bills were found against certain rioters at Sheffield; and it was evident, that the political opinions that had been disseminated among the manufacturers had done an infinite deal of mischief. He expatiated upon the imprudence of agitating questions that could only tend to excite popular clamour and discontent.

Here the conversation ended.

Debate in the Lords on the Scotch Episcopalian's Relief Bill.] May 2. On the motion for the second reading of the bill, "for granting relief to the Pastors, Ministers, and lay persons of the Episcopalian communion in Scotland,"

The Earl of *Elgin* stated the principle of the bill to the House, and the merits of those whom it was intended to relieve. He said, that by the 10th of queen Anne the episcopalian pastors of Scotland were liable to very severe penalties, on proof of having omitted to pray for the king, and for other non-conformities. He explained the grounds on which former legislatures had enacted such penalties, viz. in order to punish the known disaffection of the episcopalians, who, from motives of conscience, could not abandon their obedience to the abdicated king, their former sovereign. At present, the episcopalians were as zealously attached to the sovereign on the throne, as any other description of subjects, and, therefore, they were every way entitled to the relief that the present bill provided.

The *Lord Chancellor* would not object to the principle of the bill, but wished to make a few observations upon it. His lordship traced the statutes which enacted penalties against the episcopalians in Scotland, mentioning the 10th of queen Anne, and the 19th of George 2nd. He said, he was far from defending the severities of those statutes; let the political reasons have been what they might, he thought the penalties much sharper than even the circumstances of those times could justify, and therefore he could feel no disinclination whatever to granting the relief that was necessary, provided it was given under proper regulations. He discussed what he took to have been the meaning of the legislature in respect to the ordination of episcopalian pastors in Scotland; he stated, that to have been regularly ordained by some Protestant bishop, either an English or an Irish bishop, and to have their ordination registered in the parochial registers, was meant to be understood as essential in point of form, and indispensable in substance. He contended for the necessity of it, as a test that the pastors taught doctrines consonant to the principles of christianity. He recapitulated the conditions under which the episcopalians of Scotland were tolerated at present, and argued much on the use of their pastors being able to establish the validity of their ordination, instancing the two solemnities of marriage and baptism, as solemnities which they could not perform unless they were legally ordained.

Viscount *Stormont* detailed the grounds on which the penalties, that the bill went to repeal, were imposed. When the statute of queen Anne passed, the episcopalians of Scotland were known to be disaffected to the government of the country from motives of conscience, not thinking they ought to withdraw their allegiance from the abdicated sovereign. On those persons, therefore, it was, that the statute was intended to attach. The case, however, at present was totally different; there now existed no such description of persons as those who were the object of that act; the present episcopalians were well affected to the government and prayed for his majesty, as formally and as sincerely as our clergy did. With regard to what the learned lord had said respecting the necessity of every episcopalian pastor being able to prove that he had been regularly ordained by a Protestant bishop of England or Ireland, in many cases it was in its nature utterly impossible. If episcopalian pastors were men of conscience, they could not submit to a second ordination, and if they did, how would it stand in the eyes of their congregation? The latter would have to say, "You have passed upon us for twenty or thirty years, for what you are not. You have preached to us, and we have listened to you; but we now at last find, that before this time you never were duly qualified." And even if the episcopalian pastors were to apply to a bishop of England or Ireland, where would they get a title? If an episcopalian were to say, his friends in England would procure him a meeting, would any of the learned prelates opposite to him deem that a competent title? Most certainly not. With

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regard to what the learned lord had said, respecting marriage, in Scotland marriage was a civil contract merely, and if a counsel were at the bar, and attempted to bring a witness to prove it any thing else, the learned lord would immediately think it his duty to stop him. He would conclude with declaring, that it appeared to him, that the episcopalians of Scotland had exactly and precisely the same claims on the indulgence of the legislature, as those of the dissenters in this part of the kingdom from the established church of England.

The Bishop of *St. David's* (Dr. Horsley) said:—My lords; I am happy to perceive, that in the sentiments which I have to deliver upon the present subject I shall not have the misfortune to differ very widely, in any thing that essentially regards the principle of the bill, from the noble and learned lord upon the woolsack. My lords, a wide difference from him I should call a misfortune; because it would necessarily produce in me a degree of mistrust of my own judgment, which would considerably abate the satisfaction which otherwise I might feel in following what still might be the firm and full conviction of my own mind. Nevertheless, in any question like this, in which the interest of religion, the public weal, and the credit of the legislature, might be concerned—a question of justice and mercy towards a suffering part of the family of Christ.—it would ill become me to be influenced, in the vote that I should give, upon any authority but that of my own conviction. My lords, the object of the bill is, to relieve certain dissenters from the established church of Scotland, well-affected to his present majesty and the protestant succession, from the penalties of disaffection imposed by former laws. My lords, the hardship under which they labour consists not in the severity of these penalties. Disaffection, in former times, was generally among persons of their religious persuasion, though not necessarily connected with their religion; and of the measures of severity that might be necessary for those times, the legislatures of those times were the judges. But the hardship is, that the present generation, being converted from the disaffection of their ancestors, and retaining only their religious principles, cannot, by any thing they can do, by any security that they can give for their good conduct and submission to government, secure themselves against the penalties of disaffection. As cordially attached as any of us to the existing government,—praying in their religious assemblies for his majesty king George and the royal family by name, in the terms in which we of the church of England in our own liturgy pray for them, and taking the oaths that we all take,—still they are liable. clergy and laity, to all the penalties of the 19th George 2. My lords, the good policy of this bill of relief is not at all connected with any question about the antiquity of the practice of praying for sovereigns. From what fell from the learned lord, I think there must be some mistake upon that point; his lordship must have received some misinformation. I cannot believe that these episcopalians ever alleged the example of the ages before Constantine in justification of their omission in former times of praying for the king by name. Prayers for sovereigns is one of the very oldest parts of Christian worship. These episcopalians must very well know, that the precept of praying for kings and all that are in authority is 300 years older than Constantine; and that it was the constant practice of the earliest Christians to pray even for the princes that persecuted them. My lords, their omission of praying for the king by name was owing to their notions about indefeasible hereditary right, which would not suffer them to renounce the family to which their allegiance had once been sworn, nor to adopt the principles of the Revolution. The omission was not defended by any pretended example of antiquity: it stood upon no better ground than that of gross and avowed disaffection. But the example of the ages before Constantine must have been alleged to a very different purpose: It has been alleged by these episcopalians to justify their claims to an episcopacy, and to explain what sort of episcopacy that is which they claim. My lords, it is not my wish to lead the House into the perplexities of that theological discussion: I shall comprise what I find necessary to say upon it in very few words.—My lords, these episcopalians make a distinction, and it is a just distinction, between a purely spiritual and a political episcopacy. A political episcopacy belongs to an established church, and has no existence out of an establishment. This sort of episcopacy was necessarily unknown in the world before the time of

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Constantine. But in all the preceding ages, there was a pure spiritual episcopacy,—an order of men set apart to inspect and manage the spiritual affairs of the church, as a society in itself, totally unconnected with civil government. Now, my lords, these Scottish episcopalians think, that when their church was cast off by the state at the Revolution, their church, in this discarded, divided state, reverted to that which had been the condition of every church in Christendom before the establishment of Christianity in the Roman empire by Constantine the Great,—that, losing all their political capacity, they retained however the authority of the pure spiritual episcopacy within the church itself; and that is the sort of episcopacy to which they now pretend. I, my lords, as a churchman, have some respect for that pretension; but I have no wish to lead the House into a discussion about it. The merits of the bill rest not on the validity of that episcopacy in any sense. In what sense the bishops of this church of Scottish episcopalians may be bishops,—whether they are bishops in any sense,—is not the question. What the validity of their ordinations may be, is not the question: the single question is—Are these Scottish episcopalians good subjects? and do they hold religious principles, in the emphatic language of the noble and learned lord on the woolsack, "fit to be tolerated?"—that it to say, are they good subjects? and do they agree with us in the fundamentals of christianity?—for these are the religious principles "fit to be tolerated." If they can satisfy us upon these points, the legislature is not at all concerned in the question of the spiritual validity of their orders. My lords, consider only how we deal with Protestant dissenters here in England; for all that I would wish for our Scottish brethren is, that they, as dissenters from the established church of Scotland, should be put upon the same footing with the Protestant dissenters from the church of England. By the toleration act of the 1st of William and Mary, a pastor of a congregation of Protestant dissenters must enter the place and situation of his meeting-house: he must give in his own name and place of abode; he must take the oaths to government: and he must show that he agrees with us in the fundamentals of the Christian religion; and by the terms of that statute, which is the narrowest of all the present schemes of toleration, he must also testify his agreement with us in the general principles of protestantism. This he does by subscribing a great many of the 39 articles. My lords, when the dissenting minister has complied with these conditions, he is never asked,—no one has authority to ask him,—Sir, how comes it that you call yourself a clergyman? what are your orders? by whom were you ordained? by what ritual? He has given the security which all good subjects give for his loyalty to government,—he professes religious principles "fit to be tolerated;" that's enough. He is admitted, without farther inquiry, to all the benefits of toleration. Now, my lords, here are a set of dissenters from the established church of Scotland, good subjects, and holding religious principles very "fit to be tolerated;" for the cause of their dissent from the established church of Scotland is their very near agreement with the established church of England; and they approach your lordships with this modest request, that they may not be more hardly dealt with than Protestants of various denominations differing more widely from both establishments.—My lords one thing that fell from the learned lord on the woolsack struck upon my mind very forcibly. His lordship gave it as his opinion, that it would be for the credit of episcopacy in Scotland, that their congregations should be supplied with ministers (according to the intention of the 19th of the late king) ordained by bishops of the English or Irish church. The learned lord, if I took his argument aright, supposed that the statute passed in favour of the Scottish episcopalians in the 10th of queen Anne would bear him out in that opinion. That statute made it "free and lawful for all those of the episcopal communion in that part of Great Britain called Scotland, to meet and assemble for the exercise of divine worship, to be performed after their own manner, by pastors ordained by a Protestant bishop." The learned lord conceives, that under the latitude of this expression, a "Protestant bishop," the statute meant indeed to tolerate the ejected bishops, and the clergy immediately ordained by them, but not to extend the toleration to the succession. My lords, I must take the liberty to differ from the learned lord upon the construction of this statute of queen Anne. I think it was the intention of

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the statute to extend its toleration beyond the ejected bishops themselves to the whole succession; for I find, that of the thirteen bishops of Scotland ejected at the Revolution (the dioceses were in all fourteen, but it happened that one see was vacant when the Revolution took place; thirteen bishops therefore were ejected; now of these thirteen), seven certainly, probably eight, were dead before the 10th of queen Anne; and a ninth was out of the kingdom, for he fled with the abdicated king. At the time, therefore, when this act was passed, no more than four of the ejected bishops were alive, and within the kingdom; and four new consecrations had taken place, two in the 4th of queen Anne, and two more in the 8th. At the time therefore when this act was passed, the Scottish episcopacy consisted of an equal number of the original bishops and the succession,—four of each; and if it was the intention of the act, as the noble and learned lord has argued, to confine the toleration to the ejected bishops, and exclude the succession, I can only say, my lords, that the framers of that statute did their business not quite so well as business of that sort was used to be done in those times.—My lords, with respect to the interests of episcopacy in Scotland, my opinion is unfortunately the very reverse of that of the learned lord. The credit of episcopacy will never be advanced by the scheme of supplying the episcopalian congregations in Scotland with pastors of our ordination;—and for this reason, that it would be an imperfect crippled episcopacy that would be thus upheld in Scotland. When a clergyman ordained by one of us settles as a pastor of a congregation in Scotland, he is out of the reach of our authority. We have no authority there; we can have no authority there; the legislature can give us no authority there. The attempt to introduce any thing of an authorized political episcopacy in Scotland would be a direct infringement of the Union. My lords, as to the notion that clergymen should be originally ordained by us to the ministry in Scotland, I agree with the noble viscount, that the thing would be contrary to all rule and order. No bishop who knows what he does ordains without a title; and a title must be a nomination to something certain in the diocese of the bishop that ordains. My lords, an appointment to an episcopal congregation in Scotland, is no more a title to me, to any bishop of the English bench, or any bishop of the Irish bench, than an appointment to a church in Mesopotamia.—My lords, with respect to marriages, I agree with the learned lord on the woolsack, that if this bill should pass, the episcopalians will be authorized to marry in their meeting-houses, by the 10th of queen Anne. But I see no inconvenience that can arise from this. It will open no door to clandestine marriages; for though they will be authorized to marry, they will not be authorized to marry otherwise than in conformity to the regulations of the 10th of queen Anne,—that is to say, they can marry those only whose bans have been regularly published, not only in the meeting-houses where the marriage is to be solemnized, but in the kirks of the parishes where the parties are resident. But I go farther; I say that this bill will give them no authority with respect to marriages, but what they do already enjoy and exercise. My lords, the fact is, that these episcopalians do now solemnize marriages every day; they solemnize marriages legally; they solemnize marriages under the express covert and sanction of the persecuting statutes; and these marriages so solemnized by them are good and valid by the laws of Scotland. And the ground of my assertion is this: our marriage-act extends not to Scotland; therefore, by the law and usage of Scotland, it is not necessary that any should be present at a wedding except the parties themselves —that's two, the man who is to act as father and give the bride away—that's three, and the clergyman or pretended clergyman who is to perform the ceremony—that's four. Now, my lords, by the express permission of the 19th of the late king, which I call the persecuting statute, four persons may assemble for the celebration of any religious rite; for the meeting is not illegal, unless five be present, over and above the members of the family, if the place of assembly be a house inhabited by a family, or five, if the place of assembly be a house not inhabited by a family.—My lords, these are my notions upon the points that have been agitated. The principle of the bill has my entire approbation.

The Earl of *Kinnoul* supported the bill, and the just claims of the episcopalians of the church of Scotland. He said, they were entitled to every indulgence the legislature could show them; but he

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declared himself to be thoroughly convinced, that a marked distinction of legislative liberality ought ever to attach to the established church of either part of the kingdom.

The bill was then read a second time.

Debate in the Lords on the Abolition of the Slave Trade.] May 3. A copy of the Resolutions passed by the Commons relative to the Abolition of the Slave Trade, was communicated to the Lords at a conference, together with copies of the several papers and accounts relating to this subject.

Lord *Grenville* wished the papers to be printed for the use of their lordships, and an early day appointed for taking them into consideration.

Viscount *Stormont* insisted, that the House could not receive the papers on the table as evidence sufficient on which to form an opinion, and declared it to be unconstitutional for the House to act in that manner; and as he had nothing to direct his judgment, he would make a motion to have such evidence produced.

Earl *Stanhope* execrated the slave trade. This was the cause of humanity and justice against the iron hand of cruelty and oppression. He conceived that the *onus probandi* lay on the oppressor, not on the oppressed, upon the point of form.

The Duke of *Clarence* rose, and made his maiden speech. His royal highness declared, that he had no previous intimation that a question of this magnitude would be suddenly brought forward, but as he now understood that a noble lord intended to move the House to approve of the several votes which the commons had brought up, for the gradual abolition of the slave trade, he intended to give his reasons why it ought not to be abolished at all. He had proofs in his possession, that the evidence given before the committee of the House of Commons, was at least erroneous, if not worse. The negroes were not treated in the manner which had so much agitated the public mind. He had been an attentive observer of the state of the negroes, and had no doubt but he could bring forward proofs to convince their lordships that their state was far from being miserable; on the contrary, that, when the various ranks of society were considered, they were comparatively in a state of humble happiness. He had been an eye witness to what was called slavery, and was ready to meet any noble lord on the subject on any future day. He gave it as his opinion, that the moment this trade was lopped off from this country, there were a junto from other countries, at this time in London, to close an agreement with the merchants and planters for the same. He, therefore, conjured their lordships to give the business that consideration it so eminently deserved. Another circumstance had great weight with him, namely, that an implicit obedience to the House of Commons, much as he respected that House, would render the House of Peers useless, and thus the natural and constituent balance in the constitution would be endangered. This he never would endure. Full and substantial proof only would satisfy him that the enormities complained of actually existed. Another consideration was, the great property and the immense commerce which was intimately connected with this trade.

May 8. Viscount *Stormont* called their lordships' attention to the Resolutions sent up by the Commons, relative to the Abolition of the Slave Trade—resolutions of as important a nature as had ever been submitted to their consideration. It was unnecessary for him to remind the House, that it was not only their immediate duty to call witnesses to their bar, to give evidence to satisfy themselves of the truth of the facts, upon which the Commons had proceeded, but that they had an undoubted right to alter and modify every resolution that the other House had come to, as to their wisdom should seem meet. His lordship concluded with moving, "That this House do forthwith proceed to inquire into the present state of the trade to Africa, and particularly the trade in slaves; and also into the nature, extent, and importance of the sugar trade, and into the general state and condition of the West India islands, and the means of improving the same."

Lord *Grenville* expressed his concern, that the noble viscount had come forward with a motion, to which he not only could not give his concurrence, but should hold it to be his indispensable duty to propose an amendment. It was agreed on all hands, that it was on every consideration necessary that the question should be set at rest as speedily as possible. With that view of the subject, he could not but declare, that he thought the noble viscount's

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motion objectionable, as it would rather tend to procrastinate than to accelerate the decision of the great and important question, to which their lordships must ultimately come. For his part, from what he knew of the subject, he had no scruple to acknowledge, that his mind was made up completely upon it, and he was ready to agree to the resolutions of the Commons; at the same time, however, he professed himself to be open to conviction, and that if any evidence could be brought, or any arguments be urged, of sufficient weight to do away the strong impression that his mind had received, he would yield to it due deference. But clear he was, that delay, let the ultimate decision of the House be what it might, ought to be avoided; and he conceived the receiving evidence up stairs, in a committee would save time, and essentially accommodate the House. He said, it was by no means contrary to the usage of parliament to take evidence in a committee above stairs; that the House had done so on two important occasions, viz. on the Boston Port bill, previous to the American war, and on a much more recent occasion. He trusted, therefore, that the House would agree with him in the amendment that he should move. He contended, that for the sake of preserving the national character from disgrace, the slave trade ought to be abolished. He described it not only as a traffic founded in inhumanity and injustice, but as a traffic impolitic and unnecessary. He said, it had been universally agreed, that our old West India islands ought not to have new cultivation introduced in them, and that if they could be maintained in their present state of cultivation, every object of the planters, and those interested in them, would be answered. Were that fact ascertained, he flattered himself no man would confess himself an advocate for the continuance of a trade so unprincipled. He then moved, that the words, "this House do forthwith proceed," be omitted, and the words, "a committee be appointed," be inserted instead thereof.

The Duke of *Clarence* contended, that the cultivation of the West India islands could not be kept up to its present extent, without fresh supplies of slaves by importation. But even if this were not the case, who could say, that, without injustice, the planters were to be prevented from extending the cultivation of their estates, by depriving them of the means? He considered the question as of the utmost importance to the commerce, the navigation, and the maritime strength of the country; on all which points their lordships might satisfy themselves by evidence at the bar. If the result of that evidence should be to prove that the slave trade might be abolished with safety, he should retract the opinion he had formed: if, on the contrary, the effect of the evidence should be to prove that it could not be abolished with safety, he should certainly oppose it.

Viscount *Stormont* contended, that examining witnesses at their bar, was the only dignified mode of proceeding, in a matter of such magnitude, and that it ought not, like light and trivial topics, to be sent to a committee above stairs, where they all knew business was transacted in a more slovenly and less solemn manner than in the House.

Lord *Porchester* spoke in favour of the original motion, and rested his argument chiefly on the necessity of having the presence of the learned lord on the woolsack, and of the judges to put questions to, which their lordships could not expect in a committee above stairs.

The Bishop of *London* said, he thought himself, from what he already knew, sufficiently warranted in declaring that the slave trade ought to be abolished. With regard to the mode of examining witnesses, he thought an up-stairs committee preferable to hearing evidence at their lordships bar, because it could be sooner finished that way; and when noble lords reflected that every year, nay, every month, they delayed the abolition, they were condemning thousands of their fellow-creatures to captivity and death, they would not delay for one moment coming to resolutions on the subject. Independent of all that had been said of the treatment of those unfortunate wretches in the West Indies, he was convinced that the mode of procuring them in Africa was wicked and abominable in the extreme. What he had seen of the evidence afforded the strongest proofs that the slave trade was in every branch of it repugnant to religion, morality, and justice. Being therefore convinced that it was essentially and radically vicious, unless very strong evidence indeed of the contrary could be brought, his mind was made up on the question, from what he already knew. He did not mean to throw

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the least reflection on the West India gentlemen, for whom he had every reason to profess high respect. If it could be proved that an abolition of the slave trade would materially affect their property, or produce ruin to the islands, that, he confessed, would stagger his mind; but he believed it to be quite otherwise, and that a very short time would prove, that the abolition was for their mutual advantage. As to the alarms occasioned by the discussion of this subject, he would only say, that the discussion of any great measure must be attended with alarm and agitation to the public mind. When the regulation bill was brought forward, it created much alarm, and was said to be ruinous to West India property; and yet no such consequence had taken place. As a member of the privy council, he had for thirteen months together had an opportunity of examining into the subject, and he spoke from the fullest experience, when he said, that the slave trade was a trade unfit to be carried on or protected, by any nation professing religion, morality, or even common justice; and that to talk of regulation or reform in its practice, was an idle waste of words, since the trade was incapable of correction, and therefore ought to be abolished.

Lord *Hawkesbury* considered the question of abolition, to be of as high importance as any that had ever been agitated in that House; since, in his mind, it involved the very existence of our West India islands; and not only the commerce of the country, but our navigation. He knew for certain, that the three great articles of West India produce, sugar, coffee, and cotton, were much wanted in this country; and, while the demand for them was increasing, he could not think it sufficient that the islands should be maintained in their present state, without any extension of cultivation. These being his sentiments, he must necessarily vote for that mode of proceeding, which was most solemn and most suitable to so weighty an occasion, let the delay be what it might. But when, in addition to this, he reflected that the slave trade had been carried on during the course of a century and a half, under charter from the crown, and under the repeated sanction of both Houses of Parliament, and that the properties of various descriptions of persons were deeply interested, he could not consent to an inquiry by a committee above stairs, which would deprive those persons of the advantage of having their claims discussed before the law lords and judges, whose morning engagements were known to be indispensable.

The *Lord Chancellor* considered the resolutions of the lower House of Parliament, as an attempt to legislate in this country for the regulation of the West India islands internally, which he stated to be perfectly new, and unprecedented. Viewing, therefore, the very great importance of the object, it was incumbent on their lordships to act independently and substantively for themselves, without being at all governed by the conduct of the Commons. If he could be satisfied that the West India islands could be better cultivated by a different mode of cultivation than the planters themselves practised, he should perhaps be willing not merely to encourage the planters to adopt that mode of cultivation, but ready to employ some degree of force to oblige them to adopt it. As to the iniquity and atrocity which had been so largely imputed to the slave trade, he could not imagine why those crimes had not been discovered by our ancestors, and were now to be so conspicuous in the year 1792. But without entering into that consideration, he thought it worthy the recollection of the House, that, though the principal commercial advantages resulting from colonies ought to belong to the metropolis, yet their internal regulations ought to rest with themselves. On this ground he could wish at least for the concurrence of the colonial assemblies in a measure which might be fairly deemed internal legislation for the islands. The resolutions did not go merely the length, that the merchants of this country should not supply the islands with slaves, but prohibited the planters from obtaining such supply by traffic with any other country. It might be dangerous to show such inattention to the interests of the colonies, while they thought a further importation of negroes necessary to the cultivation of their lands. Of this they must be presumed to be the best judges. With regard to the immediate question before the House, it was well known that several noble lords had indispensable avocations on the forenoon of every day, and could not possibly attend a committee above stairs; that undoubtedly the subject was large enough to call for every degree of solemnity that the House, by any of its forms, could give its proceedings upon it; and that it could

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not be pretended, that business was transacted in a committee above stairs, with the same degree of solemnity as in that House.

Lord *Rawdon* professed himself a friend to immediate abolition, as his mind would not allow him to compound with iniquity. He approved of the manner in which the learned lord had argued the subject, and thought the question lay in a very narrow compass. He recommended it to the House to treat the whole of the consideration with candour and coolness.

The Bishop of *St. David's* declared, that he wanted no evidence to convince him of the iniquity of the slave trade, which, from what he had read upon the subject, he was satisfied could not be countervailed by any principles of policy or expedience. He sensibly felt that considerations of moral duty must ever supersede objects of mere policy, and, in the case of the slave trade, the cause of morality, religion and justice forcibly opposed itself to its continuance. Admitted, as it was agreed on all sides, that delay ought to be avoided, the question was, which mode of proceeding was the most likely to accelerate, and to prepare and fit their lordships for the discussion of the grand point, viz. the question of abolition, and viewing the arguments that had been used fairly, he really thought the receiving evidence at the bar of the House the most preferable mode of the two.

The House divided on the amendment: Contents, 36. Not-contents, 63. The original motion was then agreed to.

Debate in the Commons on the Bankers' Estates Bill.] May 3. Sir *B. Hammet* having moved, "that the report of the committee on the bill for making the Estates of Bankers and other Traders subject to the payment of their debts after their decease, be taken into consideration on Tuesday,"

The *Attorney General* said, that this bill was of an extraordinary nature, and he was convinced would be of so dangerous a tendency, that he should move that the farther consideration should be postponed to this day three months. He said that gentlemen, when they allowed it to be proceeded in, were not aware what sort of a bill it was. If allowed to pass, there would be an end at once to all the distinction which the law made between simple contract debts, and debts specially. If a banker had an estate of 10,000*l.* a year, some unthinking persons might, if this bill passed, think they had this estate as a security for the money they should deposit, when the next hour this estate might be mortgaged to the amount of 9,000*l.* a year or more, so that in fact this would be no security whatever, but be a lure and false security of bankers to the destruction of the property of unwary persons. The proper and the only fair way by which bankers could be estimated, and the safety of dealing with them be depended upon, was from the candour and probity of their transactions, and the established reputation and solvency of their house, as bankers, not the amount of their real estate. He complimented the bankers of the metropolis in general on their character, but lamented the late increase of them so much over different parts of the country. He said that this bill was much too loosely worded. It required at least the summer to consider how a bill that might so materially affect trade, should be framed. He therefore moved, That instead of the words "Tuesday next," the words "this day three months" be inserted.

Mr. *Drake* said, he had been inclined on first hearing of the bill to wish well to it; but in consequence of what had fallen from the learned gentleman, he rose to make his retractation. He conceived the House to have been much indebted to the learned gentleman for having opened their eyes to the danger of the bill.

Sir *B. Hammet* defended his bill, and pointed out the difference between bankers and private gentlemen, the latter having no concern in trade, and the former being avowedly traders. He had conferred with the first legal authority on the subject, who had concurred with him as to the principle of the bill, although he stated some caution as necessary to be attended to respecting its detail and provisions. Having lord Kenyon's sanction, as far as it went, he had flattered himself his bill was unexceptionable. He pressed the House to entertain the bill, and reprobated the idea of a banker resorting to the statute of limitations, declaring that it was almost impossible to imagine that any man, who expected to preserve any degree of credit, would refuse to pay a bill, be the time at which it was dated what it might.

The Amendment was agreed to. The Bill was consequently lost.

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Mr. Fox's Motion respecting Abuses committed at the Westminster Election.] May 8. Mr. Fox moved, "That the Petition of the electors of Westminster, presented on the 4th of April, praying an inquiry into the reported interference of persons high in office in the election for Westminster, and into the alleged abuse of the excise and lottery laws, by a remission of penalties, &c. be read." [See p. 1171.] It being accordingly read by the clerk,

Mr. *Fox* said, he should apprize the House, as concisely as he could, of the points on which he should submit the matter of the petition to them. It appeared to him, that this question was, in many views, a very important one. First, it was important that the people of this country should feel a general satisfaction with respect to the execution of the laws, particularly of laws, which, to say the least of them, were in themselves hostile and oppressive, and their institution defensible only on the principle of state necessity. Secondly, it was important that the people should be convinced that their representatives conducted themselves as they ought to do; especially that they took care to prevent the abuses of the law. As to the laws of excise, it was enough for him to say, that he had uniformly opposed their extension. With respect to the lottery he should only say, that this, like the excise, was a measure arising out of state necessity, and therefore the public had a right to expect that the officers of the crown would never suffer abuses to take place in it. In this view of the case, it became highly material for the people to have reason to think that this law, which was considered necessary for purposes of revenue, was faithfully applied to that purpose, and not to any unfair practices of election-influence and corruption.—It appeared on the face of the petition that there were the strongest grounds for suspecting that Mr. Rose, the secretary to the treasury, had made use of this law for election-influence, and corruption. He should not blame the interference of private individuals at an election: but when persons interfered openly in the character of servants of the government, it was monstrous, and what the people should not suffer. It appeared also, that while Smith the publican, acted for the servants of government at the election, the penalty of the excise, of which he had been convicted, was not levied; but when he changed that character of service into a claimant of a sum of money for his trouble, the penalty was levied on him. Were these mere assertions? Did the House require evidence of them? There was evidence, and that of the very best kind, the record of a court of justice. There was farther, and collateral evidence; the hon. member for Liverpool, had given some account of a correspondence between Smith the publican and the hon. secretary to the treasury; therefore the House had enough, if they wished to consult evidence upon the subject, before they came to a vote for inquiry into the whole case.—But he had much more than this to urge. This was the conduct of Mr. Rose himself. When accused on a former day, of these dishonourable practices, he rose for the purpose, as he said, of giving a complete account of the whole business, such as would satisfy every man in the House, that there was not the least colour or pretence for charging him with any of the practices imputed to him. But how did he do this? First he denied the truth of the charge, and then said he had refuted it; consequently, that there was no ground for inquiry. As a specimen of his accuracy, he was proved in the first and most material part to be totally mistaken. He said, with regard to the publican's petition, praying the excise fine might not be levied, that he did in that case what he did in every other of that nature, and nothing more—transmitted it to the commissioners. But this was quite short of the fact; and when he was told—"You yourself are accused besides of sending a letter to two gentlemen of the excise, Mr. Vivian and another, and you have promoted a meeting between them and Mr. Smith at the very time when this fine hung over his head, and the meeting actually took place—and that too at your own house." "O yes," said he, "I recollect there was something of a meeting—I kept horses with Smith." That this meeting, at this time, in this place, between these parties, under these circumstances, might by possibility be an innocent one, was what some very charitable man might be induced to hope; but when we knew that the hon. gentleman had interfered on a former occasion in this very business, as well as in others, and that it had been so proved in a court of justice, the argument in this instance must be very much against him. But he would suppose, for the sake of argument, that although these things made the deepest impression upon him, they had no weight

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with others. He would then say, that none but a guilty man would shun an inquiry. An honest man would demand an inquiry, when once accused; more particularly so, when it was on a subject connected with government. Indeed, he believed there was no instance on the journals where, in a case like this, an inquiry was refused. He remembered an inquiry having been called for in that House by Mr. Shove, which afterwards, instead of being shunned, was solicited by a relation of his, and was boldly met. Why? Because it was known that nothing could be proved upon the subject. But here the case was reversed. An inquiry was refused, because every thing could be proved. There were other instances of inquiries in the course of the short time he had had the honour of forming a part of the administration, and all he could say was, that he was happy none of them had been shunned or refused. The next head of this petition was that of the lottery; in which it was offered to be proved, that a person of the name of Hoskins had been charged with a penalty under the lottery act, and was in consequence of it a prisoner; that he applied to a person high in office for his discharge, stipulating that if his request was complied with, he would poll sixty votes for lord Hood at the Westminster election; that the person to whom this offer was made did not think himself at liberty to conclude the bargain, but applied to the highest authority; this highest authority assented to the proposal and this prisoner was accordingly discharged, through the medium of sham bail procured for that purpose. But the answer to this was—You do not name this high authority. His answer again to this was a plain one: he did not name him because he did not know who he was—but this much was clear, that the bill for this business was paid by one of the lords of the admiralty. All that he could add was, that there was ample ground for inquiry. The old ground of objection was, that there should be no inquiry unless there was an assurance that something material would be proved. Now, he would pledge his existence upon the proof. It was proved that Hoskins was discharged upon sham bail, on his undertaking to poll sixty votes for lord Hood. It was proved, that this very transaction was paid for by lord Hood. With regard to the connexion of government with this subject had we not heard of compromises of various kinds, made between lord Hood and his solicitor upon an action brought upon his solicitor's bill; and had not lord Hood undertaken to pay that solicitor a large sum of money for his services in the Westminster election, provided he would give up certain papers, and that one of these very papers was of the hand-writing of the chancellor of the exchequer, upon the subject of the Westminster election? He inferred from this paper, that the solicitor of lord Hood was in connexion with the chancellor of the exchequer; and that the latter had used his interest at the Westminster election.—He therefore thought that, for the sake of decency, it was right the public should see that the laws which operated so harshly, were made for the good of the revenue, and that they had not been abused for the purposes of corruption; or, if they had, that the House of Commons were determined to punish and not to screen those who were guilty. That House was, or ought to be, the representative body of the people of England; and as such, they ought to take all things relative to matters of elections under their consideration. That House had often been called the grand judicature to regulate elections. They had always acted in that character. They were called the guardians and protectors of their own privileges. They had frequently taken up matters relative to elections and decided them. They had disfranchised the people of Shoreham. They had committed persons to Newgate upon proof of corruption at elections. Should it be said, that corruption at elections was a guilt for which the vulgar only were to be punished and which the great might employ with impunity? Should we say that the lower order of society, naturally more open to temptation should be punished with severity, for an act which was to be overlooked in their superiors? He hoped the House would not say so. It was true that this business had been once decided; but without saying much of that decision, he would just observe, that it was an instance which, from its peculiar nature, he should make choice of, in preference almost to any other, if it were his wish to calumniate the present administration, and to indulge the spleen of party feeling. The truth was, he sought no such advantage; he took this point up on a much broader and more liberal principle. There were still those, in this country, who thought it essential to the safety of it, that there

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should be a House of Commons who did their duty to the public. That sentiment alone would have made him wish to bring this subject again before the House for their deliberation; and those whom he had the honour to represent, had thought it worth their while to instruct him with their sense on this subject. He thought an inquiry necessary, for the honour of the House, and the satisfaction of the public. He therefore moved, "That the said petition be referred to the consideration of a committee, and that they do examine into the matter thereof, and report the same, as it shall appear to them, to the House."

The House divided without any debate:

	Tellers.	
Yeas	Mr. Francis Mr. Thompson	34
Noes	Mr. John Smith Mr. Jenkinson	81

So it passed in the negative.

Mr. Fox's Libel Bill—Opinion of the Judges.] May 11. The order of the day being read for receiving the Answers of the Judges to the Questions referred to them on the subject of Mr. Fox's Libel Bill, the lord chief baron read the same at the table, as follow:

"Unanimous Opinion of the Judges upon the several Questions put to them on the 27th of April, 1792.

"My lords;

"The judges have taken the questions, seven in number, which your lordships have been pleased to propose to them, into their consideration; they have conferred together, and have agreed upon answers, which I am now to submit to your lordships.

"Your lordships first question is: 'On the trial of an information or indictment for a libel, is the criminality or innocence of the paper set forth in such information or indictment as the libel, matter of fact, or matter of law, where no evidence is given for the defendant?'

"Preliminary to all which we have to offer to your lordships, we state, as a fundamental principle, that the general criminal law of England is the law of libel; and that the very few particularities which occur in legal proceedings upon libel, are not peculiar to the proceedings upon libel, but do or may occur in all cases, where the *Corpus delicti* is specially stated upon the record; the case of an indictment for publishing a forged promissory note may be put as a pregnant instance.

"The matter of your lordships first question has no particular application to libel.

"We answer, that the criminality or innocence of any act done (which includes any paper written) is the result of the judgment which the law pronounces upon that act, and must therefore be in all cases, and under all circumstances, matter of law, and not matter of fact; and this, as well where evidence is given, as where it is not given, for the defendant; the effect of evidence given for the defendant, as to this question being nothing more than to introduce facts or circumstances into the case, which the prosecutor had left out of it, upon which it will still be for the law to pronounce whether the act done be criminal or innocent.

"Your lordships second question is: 'Is the truth or falsehood of the written or printed paper material, or to be left to the jury, on the trial of an indictment or information for a libel; and does it make any difference in this respect, whether the epithet 'false' be or be not used in the indictment or information?'

"This question consists of two branches. Our answer to the first branch of this question is: That the truth or falsehood of a written or printed paper is not material, or to be left to a jury upon the trial of an indictment or information for a libel. We consider this doctrine as so firmly settled, and so essentially necessary to the maintenance of the king's peace, and the good order of society, that it cannot now be drawn into debate.

"If it be asked, why the word 'false' is to be found in indictments or informations for libel? we answer, that we find it in the ancient forms of our legal proceedings, and therefore that it is retained; but that it hath in all times been the duty of judges, when they come to the proof, to separate the substance of the crime from the formality with which it is attended, and too frequently loaded, and to confine the proof to the substance.

"The epithet 'false' is not applied to the propositions contained in the paper, but to the aggregate criminal result—libel. We say, *falsus libellus*, as we say, *falsus proditur* in high treason. In point of substance, the alteration in the des-

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cription of the offence would hardly be felt, if the epithet were *verus* instead of *falsus*.

"In the action for libel, the plaintiff is not put to prove the matter of the libel to be false, which is decisive to show that the falsehood is not part of the substance of the complaint; and though the defendant may insist in his defence, and may prove that the matter of the libel is true; it is not done in the way of contradicting what is asserted by the plaintiff, for then it might be done under the general issue; whereas, if the defendant means to insist that the matter of the libel is true, he must plead it by way of justification. As between him and the plaintiff, seeking to recover damages for the private injury, the truth of the matter of the libel is a bar to the action for damages; the crime, and consequently the *falsus libellus*, remaining still in full force against him.

"The second branch of the question 'is: does it make any difference in this 'respect, *i. e.* in respect of the mate-'riality of the truth or falsehood, or its 'being to be left to the jury, whether the 'epithet 'false,' be or be not used in the 'indictment or information?' Our answer will be very short. It can make no difference in this respect. We are not called upon to give any opinion, and we desire to be understood not to give any opinion as to the difference in any other respect which the omission of a formal epithet, in an indictment or information, may make.

"Your lordships third question is: 'Upon the trial of an indictment for a 'libel, the publication being clearly 'proved, and the innocence of the 'paper being as clearly manifest, is it 'competent and legal for the judge to 'direct or recommend to the jury to 'give a verdict for the defendant?'

"We answer, that upon the trial of an indictment for a libel, the publication being clearly proved, and the innocence of the paper being as clearly manifest, it is competent and legal for the judge to direct or recommend to the jury to give a verdict for the defendant.

"But we add, that no case has occurred, in which it would have been, in sound discretion, fit for a judge, sitting at *Nisi Prius*, to have given such a direction or recommendation to the jury.

"It is a term in the question, that the innocence shall be clearly manifest. This must be in the opinion of the judge: but the ablest judges have been sometimes decidedly of an opinion which has, upon farther investigation, been discovered to be erroneous; and it is to be considered, that the effect of such a direction or recommendation would be, unnecessarily to exclude all farther discussion of the matter of law, in the court from which the record of *Nisi Prius* was sent, in courts of error, and before your lordships in the *dernier* resort.

"Very clear indeed, therefore, ought to be the case in which such a direction or recommendation shall be given. In a criminal case which is in any degree doubtful, it must be a very great relief to a judge and jury, and a great ease to them in the administration of criminal justice, to have the means of obtaining a better and fuller investigation of the doubt, upon the solution of which, a right verdict or a right judgment, is to depend.

"A special verdict would in many cases be the only means, where the offence is described by some one or two technical terms comprehending the whole offence, the law and the fact combined: such as the words, 'feloniously did steal.' The combination must be decomposed by a special verdict, separating the facts from the legal qualities ascribed to them, and presenting them in detail to the eye of the judge, to enable him to declare, whether the legal quality ascribed to them, be well ascribed to them or not.

"There may be a special verdict in all cases where doubts arise on the matter of law, but it is not necessary in all cases. In some criminal proceedings (the proceedings in libel, and the publication of forged papers, for instance) some of the facts are detailed in the indictment, and if the doubt in law should happen to arise out of the fact so detailed, we say it is upon the record. The question might have been discussed upon demurrer without going to a jury at all; and after verdict it may be discussed on a motion in arrest of judgment. In such cases a special verdict is not necessary: the verdict 'guilty,' will have the effect of a special verdict without the expense and delay of it, establishing all the facts, and leaving the question of law open to discussion.

"There are three situations in which a defendant, charged with a libel, may stand before a judge and jury in a court of *Nisi Prius*. First, the matter of law may be doubtful; in that case there ought

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to be a special verdict, or a verdict which shall operate as a special verdict. Secondly, the case may, in the opinion of the judge, be clear against the defendant. If the verdict is special in form or in effect, he has no reason to complain: his case comes before the court from which the record is sent, without the prejudice of an authority against him.—The third situation is, that the opinion of the judge may be clear in favour of the defendant. In that case, whenever it shall happen, we have offered it as our opinion, that it will be competent and legal for the judge to direct an acquittal.

"Your lordships fourth question is: 'Is a witness, produced before a jury 'in a trial as above by the plaintiff for 'the purpose of proving the criminal 'intentions of the writer; or by the 'defendant, to rebut the imputation, 'admissible to be heard as a competent 'witness in such trial before the jury?

"This question is put so generally that we find it impossible to give a direct answer to it. The criminal intention charged upon the defendant in legal proceedings on libel is generally matter of form, requiring no proof on the part of the prosecutor, and admitting of no proof on the part of the defendant to rebut it.

"The crime consists in publishing a libel; a criminal intention in the writer is no part of the definition of the crime of libel at the common law. 'He who 'scattereth firebrands, arrows, and death,' (which if not an accurate definition, is a very intelligible description of a libel), is *eâ ratione* criminal; it is not incumbent on the prosecutor to prove his intent, and on his part he shall not be heard to say 'Am 'I not in sport?' But in as much as a criminal intention may conduce to the proof of the publication of all libels; and in as much as the criminal intention is of the substance of the crime of libel in some cases by statute; cases may be put where a witness is competent and admissible to prove the criminal intention on the part of the prosecutor; and it may be stated as a general rule, that in all cases where a witness is competent and admissible to prove the criminal intention, a witness will also be competent and admissible to rebut the imputation.

"Your lordships fifth question is: 'Whether upon the trial of an indict-'ment for sending a threatening letter, 'the meaning of the letter set forth in 'the indictment be matter of law or of 'fact?'

"We find ourselves embarrassed by the terms in which this question is proposed to us. We find no difficulty in answering, that the exposition of the words of the letter, set forth in an indictment for sending a threatening letter, would belong to the court, either on a demurrer, or in an arrest of judgment; and we have no difficulty in going a step farther, and saying, that if a jury upon the trial of such an indictment were to find the letter according to its tenor, it would be for the court to expound the letter. And whether the letter (the sense of it being thus ascertained) be a threatening letter within the meaning of the law, is answered by our answer to the first question. This we state distinctly to be matter of law, it is the judgment of the law pronouncing whether the paper be criminal or innocent.

"But your lordships ask us, 'Whether 'the sense of the letter be matter of law or of fact?' We find a difficulty in separating the sense of the letter from the letter; the paper without the sense is not a letter.

"Whether there exists such a letter is, doubtless, matter of fact; as much as, whether it was sent to the prosecutor of the indictment. It is also matter of fact whether an act of parliament, public or private, exists. And the same may be said of every other writing, from records of the highest nature down to any scrap of paper wherein words are written which can be qualified with crime or civil obligation. This goes no way towards ascertaining what belongs to a jury in an indictment for sending a threatening letter, to which we apprehend your lordships' question was intended to point.

"The existence of a public act of parliament, your lordships know, is not submitted to a jury at all; private acts and records may be *sub modo*; other instruments and papers are; but all, without exception, are expounded by the judges, and the legal effect of them declared by the judges. This does not rest merely on the authority of lawyers; in the nature of things it must be that the judges must expound or collect the sense of the paper, in order to their declaring the operation of it in law.

"The sense of a threatening letter, or of any other words reduced into writing, is nothing more than the meaning which the words do, according to the common acceptation of words, import, and which every reader will put upon them. Judges

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are in this respect but readers. They must read and understand, before they can pronounce upon criminality or innocence, which it belongs to them to do. It is a necessary and inseparable incident to their jurisdiction. If they could resort to a jury to interpret for them in the first instance, who shall interpret the interpretation, which, like the threatening letter, will be but words upon a paper?

"We shall not be understood to be speaking of that sense of a paper which is to be collected from matter *dehors* the paper, which, in legal proceedings, must be stated by way of averment; which averment would be to be established in point of fact, before the judges could proceed to construe a paper. On a demurrer, or on motion in arrest of judgment, these averments would stand confessed upon the record. If the general issue is pleaded, they are to be found by the jury. Judges have no means of knowing matters of fact *dehors* the paper, but by the confession of the party, or the finding of the jury: but they can collect the intrinsic sense and meaning of a paper, in the same manner as other readers do; and they can resort to grammars and glossaries, if they want such assistance.

"These principles lead to the same conclusion for juries as for judges, in all points belonging to threatening letters, or to any other series of words reduced into writing which fall within the province of juries. For instance: upon a general issue on an indictment for sending a threatening letter. a jury is to inquire whether such a paper as the paper charged in the indictment exists. They must read, or hear read, and understand the paper charged, and the paper produced to them in evidence, in order to their finding that the paper charged does exist. The jury cannot know that they are the same papers without comparing both the words and the sense; but, when the jury have read, and sufficiently understood the paper charged, and the paper produced, so as to be enabled to pronounce that they are the same papers; when the averments have been examined and found to be true; when the context (if there be a context not set forth) has been seen and understood, and found not to alter the sense of the paper produced, and to put a different sense upon it than that which the paper charged imports; and when the sending of the supposed threatening letter is found as charged, then all inquiry before the jury ends; the rest is matter of legal conclusion.

"Your lordships sixth question is: 'Whether, on the trial of an indictment 'for high treason, the criminality or in-'nocence of letters or papers set forth 'as overt acts of treason, or produced 'as evidence of an overt act of treason, 'be matter of law, or of fact?'

"We have said in our answer to the first question, that in all cases, and under all circumstances, the criminality or innocence of an act done is matter of law, and not of fact. We find nothing in the two cases now put, which should lead us to narrow the generality of that proposition, or to except either of those cases out of it.

"But that we may not be misunderstood, we add, that this opinion does not go to the length of taking from the jury the application of the evidence to the overt act of which it is evidence. It only tends to fix the legal character of it in the only way in which it can be fixed. And we take this occasion also to observe, that we have offered no opinion to your lordships which will have the effect of taking matter of law out of a general issue, or out of a general verdict.

We know that it is often so combined with both, as to be inseparable from them; and we disclaim the folly of endeavouring to prove, that a jury, who can find a general verdict, cannot take upon themselves to deal with matter of law arising in a general issue, and to hazard a verdict made up of the fact, and of the matter of law, according to their conception of the law, against all direction by the judge.

Our aim has been to trace the boundary line between matter of law and fact, as distinctly as we could. We believe that this is all that is necessary to be known. We have found jurors in general desirous of keeping within their province, which is to examine into matter of fact, and cordially disposed to take their directions in matter of law, from those whose education and habits enable them to declare the law, and to whom the law and constitution of the country have committed that important trust.

"Your lordships last question is: 'Whether, if a judge, on a trial on an 'indictment or information for a libel, 'shall give his opinion on the law to 'the jury, and leave that opinion, toge-'ther with the evidence of the publica-'tion, and the application of the inu-

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'endoes to persons and things, to the 'jury, such direction would be accord-'ing to law?'

"If we do not misunderstand this question, it is substantially answered in our answer to the third question. We mean to answer this question in the affirmative; but, that we may be clearly understood, we desire to be permitted in our answer to substitute the words 'declare the law,' instead of 'give his opinion of the law;' and the word 'declaration' instead of 'opinion,' where the word 'opinion' occurs again in the question: our answer will then stand thus:

"If a judge on a trial on an indictment or information for a libel shall declare the law to the jury, and leave that declaration, together with the evidence of the publication, and the application of innuendoes to persons and things, to the jury, such direction would be according to law."

"If by the words 'leave that opinion to the jury,' is meant in any manner to refer to the jury the consideration of what the law is, in any view of the particular case in evidence, we are of opinion, that such a direction would not be according to law; conceiving the law to be, that the judge is to declare to the jury what the law is; and conceiving that it is the duty of the jury, if they will find a general verdict upon the whole matter in issue, to compound that verdict of the fact as it appears in evidence before them, and of the law as it is declared to them by the judge.

"We prefaced our answers with stating, that the general criminal law of England was the law of libel. We conclude what we have to offer to your lordships with stating, that the line marked out by the law for the conduct of a jury giving a general verdict, has an universal application to general verdicts on general issues, in all cases civil and criminal; for we cannot distinguish between the office and authority of a jury in civil and in criminal cases, whatever difference there may be as to their responsibility. We desire to put your lordships in mind, that it hath been the modern policy to bring almost all questions upon men's dearest and most valuable rights, to be decided on a general issue; and it will be for your lordships consideration, whether the line we have pointed out, which we take to be established in law and in reason, is not a great and essential security to the life, liberty, and property of all the king's subjects, from the highest to the lowest."

The above Opinion having been read,

Earl *Camden* observed that, in his opinion, the answer of the judges left the main question untouched, which had occasioned, within his experience, many altercations, not only between judges and juries, but also between the bar and the bench. However, as their answer was very abstruse, and contained a great extent of law argument, he thought the House could not possibly proceed to the consideration of it merely upon hearing it read. The learned judges had taken fourteen days to frame it, and it would be decent for the House to pause a while and reflect before they passed an opinion upon it. He should therefore move, that the further consideration of the bill be put off to Wednesday next.

The Earl of *Abingdon* said, that had he been in the House when the queries were proposed to be submitted to the judges, he should have objected to any reference being made to them; because, although the advice and opinion of the judges were indispensably necessary for the passing such a bill into a law, the House was so far competent to legislate for itself, as not to suffer such a bill as this, at such a time as this, to be entertained by their lordships. This would have been his opinion; an opinion which might rouse the imputation against him, that he was no friend to the trial by jury, and that he was an enemy to liberty; but to this charge he would let the whole history of his political life be at once the answer. No; it was because he would save that great bulwark of liberty, from the ruffian hand of licentious innovation, and not suffer it to be perverted from its right use, to its worst and meanest abuse; for who that reads the bill, does not see its obvious tendency? Who that attends to it, does not perceive it to be a material part of that new system, as it is called, of that innovating spirit that is gone abroad, subversive of all order, and blind to the wisdom of experience? For what was the bill? It was to say to the sages of the law, "your knowledge of the law is antiquated; it is the effect of experience, drawn from times that are past; it is the knowledge of our fore-fathers, who were all fools and idiots, nay more, who were all murderers too of the human race, as we are now piously told: but you, gen-

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tlemen of the jury, your knowledge is not of that worn-out kind, it is of modern date, it is spick and span new; it is not the effect of study, of observation, of reasoning, of argument, and of reading; no, it despises all that circuity of information to arrive at its end; it is a pretty little compact science of itself, arising out of the rights of man, and comprised in three little words only, guilty, or not guilty; and this is all the knowledge you want, a knowledge which, in one word, guilty, will hang all your enemies; and in two words; not guilty, will acquit all your friends; and who shall say nay? For are you not the judges both of the law and the fact, and who shall control your judgment, or dispute your right?" Placed, then, in such hands, what a weapon is this? A weapon by far more dangerous, inasmuch as it has the sanction of the law for its use, than all the fire-arms that all the Birmingham founderies or founders can forge or furnish to their manchester neighbours, for the patriotic purposes of their jacobin associations. These were his ideas upon the subject matter of the bill. Was this a time to loosen the legal restraints, with which, by the wisdom of the law, these crimes and misdemeanors were enchained, and to give greater facility to their use and exercise, if greater facility could indeed be given, than was already suffered to be practised? For, not to mention the libellous pamphlets that have of late been published, who is it that can see the libellous prints that are daily exhibited in every print-shop of this city, and not shudder at the atrocity of their authors? Instead, therefore, of giving a check to the law concerning libels, as it now stood, its observance should be more rigidly enforced; and in doing this, he had no apprehensions for the loss of English liberty; for his maxim was, that in the English constitution there was liberty enough; and that, Cromwell like, he that seeks for more, means to have less. Let him, therefore, in the fashionable cant of the times, leave with the right reverend bench of bishops, that little canticle of the once thought wise man Solomon, who said, "remove not the ancient land-marks which thy fathers have set," and with the rest of your lordships, as the bar to this madness of innovation that is now let loose upon us, that noble exclamation of our ancestors, "Nolumus leges Angliæ mutari!"

The motion was agreed to.

Debate on Mr. Fox's Motion for the Repeal of certain Penal Statutes respecting Religious Opinions.] May 11. Mr. *Fox* rose, and called the attention of the House to the business of which he had given notice, relative to the repeal of certain penal statutes respecting religious opinions. He said, he had the satisfaction to hope, that the mode in which he should propose to discuss this subject could not fairly be said to involve considerations of government, as had been alleged on former occasions, with regard to some topics which he had brought forward. The measure which he should recommend on this occasion was, in his opinion, not only fit in a country where the constitution was free, but such as he should recommend even in a state where the government was despotic; because it was founded on justice, and was perfectly safe in policy. If, then, he should have little doubt of the propriety of the measure, even were the appeal made to a despotic prince, how much more confident ought he to be of success, where the application was made to a British parliament. From a constitution so good, good fruits were to be expected. The subject he meant to bring forward, was one on which much had been written, and with regard to which, abstractedly considered, almost all mankind agreed; this was toleration. All agreed that toleration was in itself abstractedly just. But difficulties had arisen in the minds of some persons, though in his own there never had; these difficulties had arisen as to the application of the principles of toleration. Much of this difficulty was thrown in his way when he formerly moved for the repeal of the test and corporation acts. He appealed to those who opposed him at that time, whether they did not do so upon the ground he had stated. They alleged, that though toleration itself abstractedly was a matter of justice, yet to extend it at that time, under the then existing circumstances, to the persons on whose behalf he urged it, was politically unsafe. He was now therefore ready to confess, although he lamented the necessity of it, that for the present he had abandoned the idea of a repeal of the corporation and test acts. He should, however, not fail to renew that application whenever he should have the least encouragement or prospect of success. It had been said by some persons, that although toleration was of itself abstractedly matter of jus-

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tice, yet, that in political speculation it should never be allowed to intrench upon, or endanger existing establishments. The converse of this appeared to him to be true policy, and that no defence of any establishment whatever should be built on principles repugnant to toleration. Toleration was not to be regarded as a thing convenient and useful to a state, but a thing in itself essentially right and just. He, therefore, laid it down as his principle, that those who lived in a state where there was an establishment of religion, could fairly be bound only by that part of the establishment which was consistent with the pure principles of toleration. What were those principles? On what were they founded? On the fundamental, unalienable rights of man. It was true there were some rights which man should give up for the sake of securing others in a state of society. But it was true also, that he should give up but a portion of his natural rights in order that he might have a government for the protection of the remainder. But to call on man to give up his religious rights, was to call on him to do that which was impossible. He would say that no state could compel it; no state ought to require it, because it was not in the power of man to comply with that requisition.

But, there were those who said, although a man could not help his opinions, yet that, unless under certain restrictions, they ought not to be made public; for that whatever rights a man naturally had, he gave them all up when he came into society, and that therefore religious liberty, among the rest, must be modified for the good of society; so that by the liberty of man was meant nothing more than that which was convenient to the state in which he lived, and under this idea penalties on religion were deemed expedient. This he took to be a radical error, and for the reason he had assigned already—that it was not in the power of man to surrender his opinion, and therefore the society which demanded him to make this sacrifice, demanded an impossibility. What, then, did this lead to? That no man should be deprived of any part of his liberty, with respect to his opinions, unless his actions derived from such opinions were clearly prejudicial to the state. There were three different situations in which a man might be placed in regard to religion—a total indifference to it, as was the case with the pagan world before christianity was known, and also with those who did not now believe it. Upon this, he referred the House to the History of the Decline and Fall of the Roman Empire, written by an hon. gentleman, who was once a member of that House; he had said, that persecution in the pagans was less criminal than in christians, because the pagans had not the same doctrines that the christians had to teach them the principles of toleration. Another situation that diminished the cruelty of persecution, or rather rendered it less criminal, was, a state of popery; for these deluded persons, in the time of bigotry, thought, that by persecuting those who differed from them, they were serving the cause of truth and justice; that God had inspired them with the true religion, and that they were serving him, while they were destroying their fellow beings: although these practices were deplorable, yet as they were the mere effects of ignorance, the principle on which they proceeded diminished the criminality of persecution. The third state was that in which we now were. The people of this country were neither indifferent about religion, nor were they blindly attached to any particular faith; they were not pagans, nor popish bigots. For us there was no excuse for persecution. We knew full well that religion was founded on a principle that should not, could not, be subject to any human power. There was a maxim, which had been a thousand and a thousand times repeated, and yet by some as often forgotten, although there were not two opinions as to its propriety and justice, "Do as you would be done by." Would the members of the establishment be tried by this maxim? Would they submit to be governed by principles which they themselves inculcated; or would they proudly and impiously say, that they were sure theirs was the only true religion, and that all who deviated from it were devoted to eternal torment? —In this country we were governed by King, Lords, and Commons. No man would contend, that any of these powers was infallible? Then why should the members of the established church proceed as if they were infallible? for so they did, if they claimed exclusive privileges, and enforced penalties on those who differed from them. Upon what principle was an establishment to be maintained at all? It was upon the principle of its being agreeable to the opinion of the ma-

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jority of the people, and not, surely, upon the slightest pretence of infallibility. What should the members of the establishment say to those who differed from them, "You who differ from, as well as you who agree with us, are equal in rights, and have an equal title to enjoyments? We are neither pagans nor papists. We have learned to do as we would be done by. If we were to persecute you for your opinions, we should, for aught we know to the contrary, be persecuting truth instead of falsehood. Come, then, let us each enjoy the freedom of our own mind, and equally participate of all social enjoyments." Persecution was a word so odious, and toleration a word so generally embraced, that two opinions were not entertained on either; and yet, strange to tell, much difference had arisen upon the application of them. The question, then, seemed first to be, what really was to be understood by toleration? He thought that in defining this word, and conveying the ideas which he annexed to it, he ought to go much farther than proving that it meant the total absence of persecution, and that to refuse to any man any civil right, and an equal participation of civil advantage, on account of his religious opinions, was in itself persecution.

On these general principles, he trusted that it was not necessary to dilate farther. The question now was, what was, and what was not toleration. In his own opinion, he declared, that toleration ought to go beyond abstinence from persecution; but on his own opinion alone he did not rely. He would quote the sentiments of a very eminent man, Archdeacon Paley, who had declared himself to be a friend to a complete toleration of all dissenters. The reverend divine, however, meant more than it was his intention at present to propose. His motion he confessed to be limited. A future and a fitter period might be found to introduce a measure whose verge would be more ample, more extensive, and consequently more complete. Many persons opposed unlimited toleration from an apprehension that it might prove injurious to the state. To such he begged leave to say, that they ought first to be well convinced that it really would produce that effect.—The most moderate and the most enlightened men in this country, and those, too, members of the establishment, were friends to general toleration. Indeed, the right hon. the chancellor of the exchequer himself last year stood pledged to support the principle of general toleration, and had said that it was a matter not of favour, but of right, and that whether it should be granted, was only a question of justice. What was the principle of persecution? The condemnation of a man before he had committed a breach of the law. A principle which compelled us to live in a constant state of hypocrisy towards God and man; for it called on those who did not believe in the doctrines of the church of England to give a constant attendance at divine service, and subscribe to the ceremonies of the church. This was commanding hypocrisy by authority. It was ordaining by law, that a man shall pursue that form of religion here which, in his mind, is to insure his eternal damnation hereafter. By this we said to a father—You shall not teach your son that religion which in your soul you believe is to secure his eternal happiness. You are to choose, either to teach him no religion at all, or to teach him that by which you believe he will be damned to eternity. This was the true spirit of persecution. And was it the fact? Most unquestionably it was the case in the law with regard to Catholics. In the opinion of some, there once was an occasion for these statutes; in his opinion, there never was, nor would they have been adequate to the end proposed if there had; but now there was not the shadow of excuse, for it had ceased. The most dangerous periods, the reigns of Elizabeth and James, did not justify even one of the penal statutes that existed. If such times, therefore, did not justify them, what argument could be used for their existence now?

Sometimes attempts were made to defend the principle of persecution, by considering it as a mode of preventing the mischief that might arise from a propagation of erroneous religious opinions; it was alleged that it was the business of a statesman to consider the effect of any religious opinion, and in that view, whatever appeared to him as dangerous to the state, he ought to prevent. The first part of this doctrine, namely, that of assuming any mode of religion to be wrong, was begging the question: but he must protest against the whole of this mode of argument. We had no right to construe what actions are to follow opinions. We should weigh actions before we pretend to judge of them at all. In order that we

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should guess what actions are likely to follow opinions, we should ourselves first have entertained those opinions; or if we guess at all, we ought to guess on the favourable side. Bnt, it was said, there were no commands in the church which might not safely be obeyed; or at least the church of England was the safeguard of the state. Was this the fact? Was it not possible for a man to become a very bad citizen, even by implicitly obeying the doctrine of the church of England itself? Most unquestionably it was; for the church of England taught us, that we were to make no resistance to the commands of the magistrate, although they should be unlawful, or even unnatural; the doctrine was passive obedience and non-resistance, and consequences were to be left to a future state; this was the doctrine of James 2nd; this, it was true, was not now the law, but it was still the doctrine of the church, and thus, by being a good churchman, a person might become a bad citizen. What was the result of all this? That, as in the established church there was so much error, that it could not be obeyed totally, without breach of moral obligation and even of positive law (for a man might be punished for obedience to the illegal commands of a legal master), it was the essence of injustice to persecute any person for omitting to conform to this established religion.

The old answer, he said, to all these arguments was, that the laws were obsolete, and that therefore the hardship was ideal. To this he must say, that what was claimed by the Unitarians and Socinians was nothing more than justice; and that there could be no great harm in removing from the statute book that which we were either afraid or ashamed to enforce. Of the doctrines of Arius, Arminius, and Socinus, he did not mean to enter into a discussion, because he was certain they did not in the smallest degree affect the state. It was not therefore the duty of the legislature to interfere. The persons for whom he now interceded were Unitarians, some following the doctrines of Arius, others of Socinus. They intreated of the House, not to establish them, but to relieve them from statutes of pain and punishment. If these statutes were too bad to be put in practice, they ought not to be suffered to exist.—An assertion had gone forth, of the existence of a party who wished to overturn the constitution. In order to counteract any such intentions, it ought to be the care of the House to banish all those imperfections which tended to disgrace and to injure the beautiful fabric. If a stranger wished to learn the constitution of Great Britain, he would seek for it in her laws. What would he say, when he discovered that the statutes of Elizabeth against Catholics, and of William against Unitarians were still suffered to exist? Would he be satisfied with the information, that they were never used? No. He would contend, that if they were not used they ought to be repealed. Still, however, even the non-execution of them produced the worst effects, insomuch as it tended to divide the people, and to afford some ground for the invectives of bigotted churchmen.—Previous to the year 1641, four persons professing unitarian doctrines had been burnt. Subsequent to that period lived Mr. Peeble, who was considered as the founder of unitarianism; he suffered persecution for his religious opinions from Cromwell and Charles 2nd, and though his character was unexceptionable, the persecution against him did not in the smallest degree relax. But though the Unitarians were not now persecuted by the legislature, they were in a manner under the lash of divines of the established church. Dr. South, in speaking of them, had traced their pedigree from wretch to wretch, back to the devil himself. These descendants of the devil were his clients. This was the language of former days. More modern times had produced greater moderation; still, however, invective had not ceased. Dr. Halifax, speaking of Dr. Priestley, had said, that now he had stated his opinions, he had completed his crimes. Thus a declaration of an opinion had been gravely asserted to be criminal. Posterior to Dr. Halifax, Dr. Horsley had contended, that even the moral good of the unitarians was sin; and however they served God, loved their kindred, and relieved the distressed, they were sinful because they were heretics.—To tell men in this situation that they were not persecuted was to offer them the grossest of all insults. Adverting to recent events, would any man assert, that the Birmingham riots were not the effect of religious bigotry and persecution? Some had maintained, that the people revolted not against Dr. Priestley's religion, but his political opinions. Granted, for the sake of argument; but, could the publication of his sentiments be more imprudent than those of a member of the

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church of England? This therefore he maintained to be an argument in proof of the existence of persecution against the unitarians, insomuch as the same mode of conduct adopted by two men had produced opposite effects, merely on account of the difference of their religious attachments. Having completed the statement, little more remained for him to do than to state the particular acts which he wished to be repealed.

It had been observed by some and would perhaps be advanced that night, that as far as regards the catholics at least persecution was at an end, from the bill which passed lately in their favour. But here it should be remembered, that a certain oath was required to be taken; to this oath he believed there was no objection amongst any of the catholics; but were gentlemen aware, that among the poorer sort many, from negligence and from economy, for some of them must travel a considerable distance before they came to a magistrate, would omit the taking of this oath; the consequence was, that themselves and posterity were liable to all the penalties and disabilities of the ancient statutes. He then exposed the absurdity of continuing these laws after all pretext for them was at an end. He believed that if the House were to speak out fairly, there would be less objection, on constitutional sentiments, to the admission of catholics into it than dissenters. For himself, he objected to neither; but he believed that those who did object, feared more the principles of dissenters who had, than those of catholics who had not, the right of sitting in that House; the one class were supposed to be republicans, the other were distinguished for an attachment to monarchy. The truth was, that there was no just or rational objection to either, and the effect of exclusion was hurtful to the community; for a man's virtues and abilities were the objects we ought to look to; his attachment to the welfare of the country, and not his speculative opinions upon religion, ought to entitle him to a seat in that House, or in any other office that might be serviceable to the state. Indeed, all these absurd, as well as unjust prohibitory statutes, were very destructive to the public welfare. And here he could not help taking notice also of the marriage act—an act to which he was radically so much an enemy, that he should, whenever he had the least encouragement, make a third attempt to obtain its repeal. He had made two, and had succeeded in that House, but had always been thwarted in the House of Lords. The day, he hoped, would arrive when he should have better fortune with their lordships. The marriage act it was his wish to alter in that part which provided an exemption only for Jews and quakers. The necessity of a more ample exemption he proved from the case of two women confined in Nottingham gaol, for non-compliance with the provisions of the marriage act. In short, he declared it to be his wish to extirpate heresy by the old method of fire; not, however, by burning victims, but by burning these odious noxious acts. He observed that it was with reluctance he gave up the repeal of the test and corporation acts. He did so in compliance with what he must take the liberty of calling the prejudice and groundless timidity of that House; and as he could not at once gain complete justice, he would take it by piecemeal as well as he could. He must, by the way, be allowed to observe, that he was fully persuaded, nor had he ever heard any thing that shook his opinion, that the test and corporation acts proceeded from the very essence of persecution and injustice. He might be asked, whether he would leave any punishment whatever for the publication of ribaldry or ridicule? To this there was no answer necessary, as there was no law against it which he should propose to alter. The laws he meant, were against the publication of advised speaking: advised speaking, was solemn speaking; it was what a parent said to his child—it was what his conscience taught him to be truth.

Mr. Fox concluded with intreating the House to reflect on the injustice of preventing any man from interpreting the scripture in his own way on the barbarous, inhuman cruelty of saying to a man "Read the scriptures, study them, make them the guide and rule of your action and opinion; but take care you interpret them as the professors of the church of England do, or else you shall be deprived of all the enjoyment which belongs to a man in a social state. Read attentively, and understand clearly the whole of the scriptures; but take care, in understanding them, you understand exactly as we do, or else you shall lose all the benefits of a member of society, every thing that is dear and valuable to you." This was more unjust than even the practice of the

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ancient catholics, praying in an unknown tongue, and refusing to the professors of the christian religion a perusal of the book on which christianity was founded. The church of Rome directed us to obey the precepts of a mild religion, which tended to make us good citizens without reading. The church of England compelled us to read, but forbad us to judge. He should now move for the repeal of many of those statutes. Many more remained, he had no doubt, and would hereafter be repealed. The reason why he preferred this mode to that of bringing forward any particular enacting law, was, that in making a new law, we knew not what would be the effect, but in repealing a bad law, we knew we did nothing more than justice. He then moved first, "That the different statutes of the 9th, and 10th of king William intituled an act for the more effectual suppressing of blasphemy and profaneness, the 1st of Edward 6th, chap. 1.; the 1st of queen Mary, chap. 3.; the 14th and 15th of Elizabeth, &c. &c. be read:" which being done, he then moved, "That leave be given to bring in a bill to repeal and alter sundry provisions of the said acts."

Mr. *Burke* * contended, that the question was now no longer a theological question, but from the comprehensive manner in which the subject had been treated by the right hon. gentleman it became a question of legislative prudence upon a point of policy; and he could not help congratulating the House and the public on the manner in which the subject was brought forward. It was claimed as a matter of justice, and not called for as the effect of any of the new and false lights of the day which had lately made their appearance, and would soon again disappear. He trusted that these lights and the principles which followed them, would be alike rejected in this country, and every thing that bore any resemblance to them; because to reject them was the sober duty of every member of that House, and what wisdom directed for the freedom of the state. Stripping the question, therefore, of its theological vestment, he should take it up as a question of policy and prudence, and in that view he confessed he did not see that sufficient reasons had been urged for the repeal of those statutes, and he therefore wished to have it well understood by the House, that upon the grounds on which

* The above Report of Mr. Burke's Speech is taken from the newspapers. The following Fragment of what Mr. Burke said upon this occasion, was found among his papers after his decease. See his Works, Vol. X. p 41.

"* * * * * * * * I never govern myself, no rational man ever did govern himself, by abstractions and universals. I do not put abstract ideas wholly out of any question, because I well know that under that name I should dismiss principles; and that without the guide and light of sound well-understood principles, all reasonings in politics, as in every thing else, would be only a confused jumble of particular facts and details, without the means of drawing out any sort of theoretical or practical conclusion. A statesman differs from a professor in a university; the latter has only the general view of society; the former, the statesman, has a number of circumstances to combine with those general ideas, and to take into his consideration. Circumstances are infinite, are infinitely combined; are variable and transient; he who does not take them into consideration is not erroneous, but stark mad—"dat operam ut cum ratione insaniat"—he is metaphysically mad. A statesman, never losing sight of principles, is to be guided by circumstances; and judging contrary to the exigencies of the moment, he may ruin his country for ever.

"I go on this ground, that government, representing the society, has a general superintending control over all the actions, and over all the publicly propagated doctrines of men, without which it never could provide adequately for all the wants of society; but then it is to use this power with an equitable discretion, the only bond of sovereign authority. For it is not, perhaps, so much by the assumption of unlawful powers, as by the unwise or unwarrantable use of those, which are most legal, that governments oppose their true end and object; for there is such a thing as tyranny as well as usurpation. You can hardly state to me a case, to which legislature is the most confessedly competent, in which, if the rules of benignity and prudence are not observed, the most mischievous and oppressive things may not be done. So that after all, it is a moral and virtuous discretion, and not any abstract theory of right, which keeps governments faithful to their ends. Crude unconnected truths are in the world of practice what falsehoods are in theory.

"A reasonable, prudent, provident, and moderate coercion, may be a means of preventing acts of extreme ferocity and rigour; for by propagating excessive and extravagant doctrines, such extravagant disorders take place, as require the most perilous and fierce corrections to oppose them. It is not morally true, that we are bound to establish in every country that form of religion, which in our minds is most agreeable to truth, and con-

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he spoke—prudence and policy—nothing yet had been said. The question he stated to be, whether the House should go into a committee for the purpose of examining the laws that had been enumerated. Before he delivered his opinion on the policy and prudence of the motion, he could not but congratulate the House on the delicacy used by the right hon. gentleman in matters of religion. Not one word had dropt from him irreligious, or even indifferent. Another cause of satisfaction to him, was deduced from the discovery that the House was un-

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duces most to the eternal happiness of mankind. In the same manner it is not true that we are, against the conviction of our own judgment, to establish a system of opinions and practices directly contrary to those ends, only because some majority of the people, told by the head, may prefer it. No conscientious man would willingly establish what he knew to be false and mischievous in religion, or in any thing else. No wise man, on the contrary, would tyrannically set up his own sense so as to reprobate that of the great prevailing body of the community, and pay no regard to the established opinions and prejudices of mankind, or refuse to them the means of securing a religious instruction suitable to these prejudices. A great deal depends on the state, in which you find men. * * * * *

"An alliance between church and state in a Christian commonwealth is, in my opinion, an idle and a fanciful speculation. An alliance is between two things, that are in their nature distinct and independent, such as between two sovereign states. But in a Christian commonwealth the church and the state are one and the same thing, being different integral parts of the same whole. For the church has been always divided into two parts, the clergy and the laity; of which the laity is as much an essential integral part, and has as much its duties and privileges, as the clerical member; and in the rule, order, and government of the church, has its share. Religion is so far, in my opinion, from being out of the province or the duty of a Christian magistrate, that it is, and it ought to be, not only his care, but the principal thing in his care; because it is one of the great bonds of human society; and its object the supreme good, the ultimate end and object of man himself. The magistrate, who is a man, and charged with the concerns of men, and to whom, very specially, nothing human is remote and indifferent, has a right and a duty to watch over it with an unceasing vigilance, to protect, to promote, to forward it by every rational, just, and prudent means. It is principally his duty to prevent the abuses, which grow out of every strong and efficient principle, that actuates the human mind. As religion is one of the bonds of society, he ought not to suffer it to be made the pretext of destroying its peace, order, liberty, and its security. Above all, he ought strictly to look to it when men begin to form new combinations, to be distinguished by new names, and especially when they mingle a political system with their religious opinions, true or false, plausible or implausible.

"It is the interest, and it is the duty, and because it is the interest and the duty, it is the right of government to attend much to opinions; because, as opinions soon combine with passions, even when they do not produce them, they have much influence on actions. Factions are formed upon opinions; which factions become in effect bodies corporate in the state;—nay factions generate opinions in order to become a center of union, and to furnish watch-words to parties; and this may make it expedient for government to forbid things in themselves innocent and neutral. I am not fond of defining with precision what the ultimate rights of the sovereign supreme power in providing for the safety of the commonwealth may be, or may not extend to. It will signify very little what my notions, or what their own notions on the subject may be; because, according to the exigence, they will take, in fact, the steps, which seem to them necessary for the preservation of the whole; for as self-preservation in the individuals is the first law of nature, the same will prevail in societies, who will, right or wrong, make that an object paramount to all other rights whatsoever. There are ways and means, by which a good man would not even save the commonwealth. * * * * * All things founded on the idea of danger ought in a great degree to be temporary. All policy is very suspicious that sacrifices any part to the ideal good of the whole. The object of the state is (as far as may be) the happiness of the whole. Whatever makes multitudes of men utterly miserable can never answer that object; indeed it contradicts it wholly and entirely; and the happiness or misery of mankind, estimated by their feelings and sentiments, and not by any theories of their rights, is, and ought to be, the standard for the conduct of legislators towards the people. This naturally and necessarily conducts us to the peculiar and characteristic situation of a people, and to a knowledge of their opinions, prejudices, habits, and all the circumstances that diversify and colour life. The first question a good statesman would ask himself, therefore, would be, how and in what circumstances do you find the society? and to act upon them.

"To the other laws relating to other sects I have nothing to say. I only look to the petition, which has given rise to this proceeding. I confine myself to that, because in my opinion its merits have little or no re-

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tainted and uncorrupted by those false principles which had been so amply circulated without doors.

Alluding now to the policy and prudence of the motion, he confessed that he had heard no arguments why the 9th and 10th of king William ought at present to be repealed. As to the rights of man, on which the right hon. mover had laid some stress, he must be under the necessity of differing from him completely. What were the rights of man previous to his en-

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lation to that of the other laws, which the right hon. gentleman has with so much ability blended with it. With the Catholics, with the Presbyterians, with the Anabaptists, with the Independents, with the Quakers, I have nothing at all to do. They are in possession, a great title in all human affairs. The tenour and spirit of our laws, whether they were restraining, or whether they were relaxing, have hitherto taken another course. The spirit of our laws has applied their penalty or their relief to the supposed abuse to be repressed, or the grievance to be relieved; and the provision for a Catholic and a Quaker has been totally different, according to his exigence; you did not give a Catholic liberty to be freed from an oath, or a Quaker power of saying mass with impunity. You have done this, because you never have laid it down as a universal proposition, as a maxim, that nothing relative to religion was your concern, but the direct contrary; and therefore you have always examined whether there was a grievance. It has been so at all times; the legislature, whether right or wrong, went no other way to work but by circumstances, times, and necessities. My mind marches the same road; my school is the practice and usage of parliament.

"Old religious factions are volcanoes burnt out; on the lava and ashes, and squalid scoriæ of old eruptions grow the peaceful olive, the cheering vine and the sustaining corn. Such was the first, such was the second condition of Vesuvius. But when a new fire bursts out, a face of desolation comes on, not to be rectified in ages. Therefore, when men come before us, and rise up like an exhalation from the ground, they come in a questionable shape, and we must exorcise them, and try whether their intents be wicked or charitable; whether they bring airs from Heaven or blasts from Hell. This is the first time that our records of parliament have heard, or our experience or history given us an account of any religious congregation or association known by the name which these petitioners have assumed. We are now to see by what people, of what character, and under what temporary circumstances, this business is brought before you. We are to see whether there be any, and what mixture of political dogmas and political practices with their religious tenets, of what nature they are, and how far they are at present practically separable from them. This faction (the authors of the petition), are not confined to a theological sect, but are also a political faction. 1st. As theological, we are to show that they do not aim at the quiet enjoyment of their own liberty, but are associated for the express purpose of proselytism.—In proof of this first proposition read their primary association. 2d. That their purpose of proselytism is to collect a multitude sufficient by force and violence to overturn the church; in proof of the second proposition, see the letter of Priestley to Mr. Pitt, and extracts from his works. 3d. That the designs against the church are concurrent with a design to subvert the state. In proof of the third proposition, read the advertisement of the Unitarian Society for celebrating the 14th of July. 4th. On what model they intend to build, that it is the French. In proof of the fourth proposition, read the correspondence of the Revolution Society with the clubs of France; read Priestley's adherence to their opinions. 5th. What the French is with regard to religious toleration, and with regard to, 1. Religion—2. Civil happiness—3. Virtue, order, and real liberty—4. Commercial opulence—5. National defence. In proof of the fifth proposition, read the representation of the French minister of the home department, and the report of the committee upon it.

"Formerly, when the superiority of two parties contending for dogmas and an establishment was the question, we knew in such a contest the whole of the evil. We knew, for instance, that Calvanism would prevail according to the Westminster Catechism with regard to tenets. We knew that presbytery would prevail in church government. But we do not know what opinions would prevail if the present dissenters should become masters. They will not tell us their present opinions; and one principle of modern dissent is not to discover them. Next, as their religion is in a continual fluctuation, and is so by principle, and in profession, it is impossible for us to know what it will be. If religion only related to the individual, and was a question between God and the conscience, it would not be wise, nor in my opinion equitable, for human authority to step in. But when religion is embodied into faction, and factions have objects to pursue, it will, and must, more or less, become a question of power between them. If, even, when embodied into congregations, they limited their principle to their own congregations, and were satisfied themselves to abstain from what they thought unlawful, it would be cruel, in my opinion, to molest them in that tenet, and a consequent practice. But we know that they not only entertain these opinions, but entertain them with a zeal for pro-

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tering into a state of society? Whether they were paramount to, or inferior to social rights, he neither knew nor cared. Man he had found in society, and that man he looked at—he knew nothing of any other man—nor could he argue on any of his rights. As to abstract rights of all kinds, he thought they were incorporeal, and unfit for the body. They might be discussed in some other state; but they were totally unfit for this life, and consequently could not be fit for ar-

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pagating them by force, and employing the power of law and place to destroy establishments, if ever they should come to power sufficient to effect their purpose: that is, in other words, they declare they would persecute the heads of our church; and the question is, whether you should keep them within the bounds of toleration, or subject yourself to their persecution.

"A bad and very censurable practice it is to warp doubtful and ambiguous expressions to a perverted sense, which makes the charge not the crime of others, but the construction of your own malice; nor is it allowed to draw conclusions from allowed premises, which those, who lay down the premises, utterly deny, and disown as their conclusions. For this, though it may possibly be good logic, cannot, by any possibility whatsoever, be a fair or charitable representation of any man, or any set of men. It may show the erroneous nature of principles, but it argues nothing as to dispositions and intentions. Far be such a mode from me. A mean and unworthy jealousy it would be to do any thing upon the mere speculative apprehension of what men will do, But let us pass by our opinions concerning the danger of the church. What do the gentlemen themselves think of that danger? They, from whom the danger is apprehended, what do they declare to be their own designs? What do they conceive to be their own forces? and what do they proclaim to be their means? Their designs they declare to be to destroy the established church, and not to set up a new one of their own. (See Priestley). If they should find the state stick to the church, the question is, whether they love the constitution in state so well, as that they would not destroy the constitution of the state in order to destroy that of the church. Most certainly they do not.

"The foundations, on which obedience to governments is founded, are not to be constantly discussed. That we are here, supposes the discussion already made and the dispute settled. We must assume the rights of what represents the public, to control the individual, to make his will and his acts to submit to their will, until some intolerable grievance shall make us know that it does not answer its end, and will submit neither to reformation nor restraint. Otherwise we should dispute all the points of morality, before we can punish a murderer, robber, and adulterer; we should analyse all society. Dangers by being despised grow great; so they do by absurd provision against them. "Stulti est dixisse non putâram." Whether an early discovery of evil designs, an early declaration, and an early precaution, against them, be more wise than to stifle all inquiry about them, for fear they should declare themselves more early than otherwise they would, and therefore precipitate the evil—all this depends on the reality of the danger. Is it only an unbookish jealousy, as Shakespeare calls it? It is a question of fact. Does a design against the constitution of this country exist? If it does, and if it is carried on with increasing vigour and activity by a restless faction, and if it receives countenance by the most ardent and enthusiastic applauses of its object, in the great council of this kingdom, by men of the first parts, which this kingdom produces, perhaps by the first it has ever produced, can I think that there is no danger? If there be danger, must there be no precaution at all against it? If you ask whether I think the danger urgent and immediate, I answer, thank God, I do not. The body of the people is yet sound, the constitution is in their hearts, while wicked men are endeavouring to put another into their heads. But if I see the very same beginnings, which have commonly ended in great calamities, I ought to act as if they might produce the very same effects. Early and provident fear is the mother of safety; because in that state of things the mind is firm and collected, and the judgment unembarrassed. But when the fear and the evil feared, come on together, and press at once upon us, deliberation itself is ruinous, which saves upon all other occasions; because when perils are instant, it delays decision; the man is in a flutter, and in a hurry, and his judgment is gone, as the judgment of the deposed king of France and his ministers was gone, if the latter did not premeditately betray him. He was just come from his usual amusement of hunting, when the head of the column of treason and assassination was arrived at his house. Let not the king, let not the prince of Wales, be surprised in this manner. Let not both Houses of Parliament be led in triumph along with him, and have law dictated to them by the Constitutional, the Revolution, and the Unitarian Societies. These insect reptiles, whilst they go on only caballing and toasting, only fill us with disgust; if they get above their natural size, and increase the quantity, whilst they keep the quality, of their venom, they become objects of the greatest terror. A spider in his natural size is only a spider, ugly and loathsome: and his flimsy net is only fit for catching flies. But, good God! suppose a spider as large as an ox, and that he spread

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gument. These abstract ideas were too airy diet, and ill suited the mixed constitution of man, which was composed of speculation and practice, of mind and body. He blamed Mr. Fox for collecting such multifarious matter, such different measures only by an abstract principle of toleration. Of toleration and of persecution the House had never yet given a decided opinion. It had always acted from circumstances and the pressure of events—when it relieved a Quaker,

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cables about us, all the wilds of Africa would not produce any thing so dreadful——

> Quale portentum neque militaris
> Daunia in latis alit esculetis,
> Nec Jubæ tellus generat leonum
> Arida nutrix.

"Think of them, who dare menace in the way they do in their present state, what would they do if they had power commensurate to their malice. God forbid I ever should have a despotic master—but if I must, my choice is made, I will have Louis the 16th rather than monsieur Bailly, or Brissot, or Chabot; rather George the 3rd, or George the 4th, than Dr. Priestley or Dr. Kippis, persons, who would not load a tyrannous power by the poisoned taunts of a vulgar low-bred insolence. I hope we have still spirit enough to keep us from the one or the other. The contumelies of tyranny are the worst parts of it.

"But if the danger be existing in reality, and silently maturing itself to our destruction, what, is it not better to take treason unprepared, than that treason should come by surprise upon us, and take us unprepared? If we must have a conflict, let us have it with all our forces fresh about us, with our government in full function and full strength, our troops uncorrupted, our revenues in the legal hands, our arsenals filled and possessed by government; and not wait till the conspirators, met to commemorate the 14th of July, shall seize on the Tower of London and the magazines it contains, murder the governor, and the mayor of London, seize upon the king's person, drive out the House of Lords, occupy your gallery, and thence, as from an high tribunal, dictate to you. The degree of danger is not only from the circumstances, which threaten, but from the value of the objects, which are threatened. A small danger menacing an inestimable object is of more importance than the greatest perils, which regard one, that is indifferent to us. The whole question of the danger depends upon facts. The first fact is, whether those, who sway in France at present, confine themselves to the regulation of their internal affairs, or whether upon system they nourish cabals in all other countries, to extend their power by producing revolutions similar to their own. 2. The next is, whether we have any cabals formed or forming within these kingdoms, to co-operate with them for the destruction of our constitution. On the solution of these two questions, joined with our opinion of the value of the object to be affected by their machinations, the justness of our alarm, and the necessity of our vigilance must depend. Every private conspiracy, every open attack upon the laws is dangerous. One robbery is an alarm to all property; else I am sure we exceed measure in our punishment. As robberies increase in number and audacity, the alarm increases. These wretches are at war with us upon principle. They hold this government to be an usurpation. See the language of the department.

"The whole question is on the reality of the danger. Is it such a danger as would justify that fear, "qui cadere potest in hominem constantem et non metuentem?" This is the fear, which the principles of jurisprudence declare to be a lawful and justifiable fear. When a man threatens my life openly and publicly, I may demand from him securities of the peace. When every act of a man's life manifests such a design stronger than by words, even though he does not make such a declaration, I am justified in being on my guard. They are of opinion, that they are already one-fifth of the kingdom. If so, their force is naturally not contemptible. To say that in all contests the decision will of course be in favour of the greater number, is by no means true in fact. For, first, the greater number is generally composed of men of sluggish tempers, slow, to act, and unwilling to attempt; and, by being in possession, are so disposed to peace that they are unwilling to take early and vigorous measures for their defence, and they are almost always caught unprepared.

> Nec cõiere pares: alter vergentibus annis
> In senium, longoque togæ tranquillior usu,
> Dedidicit jam pace ducem;——
> Nec reparare novas vires, multumque priori
> Credere fortunæ. Stat magni nominis umbra.*

"A smaller number, more expedite, awakened, active, vigorous and courageous, who make amends for what they want in weight by their superabundance of velocity, will create an acting power of the greatest possible strength. When men are furiously and fanatically fond of an object, they will prefer it, as is well known, to their own peace, to their own property, and to their own lives; and can there be a doubt in such a case that they would prefer it to the peace of their country? Is it to be doubted that, if they have not strength enough at home, they will call in foreign force to aid them? Would you deny them what is reasonable for fear they should? Certainly not. It would

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* Lucan, l. 129 to 135.

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it relieved a Quaker—when it alleviated the condition of a Catholic, it looked only to a Catholic. It never purged to the right and bled to the left at once. In the present period, all discussions between the church and state had ceased, like a volcano burnt out, or like Vesuvius when Strabo saw it. Here stood the friendly olive—there the cheering vine—on this spot the supporting corn.

Of the Unitarians he knew nothing; they came, however, in such a question-

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be barbarous to pretend to look into the minds of men. I would go further, it would not be just even to trace consequences from principles, which, though evident to me, were denied by them Let them disband as a faction, and let them act as individuals; and when I see them with no other views than to enjoy their own conscience in peace, I, for one shall most cheerfully vote for their relief.

"A tender conscience, of all things, ought to be tenderly handled; for if you do not, you injure not only the conscience, but the whole moral frame and constitution is injured, recurring at times to remorse, and seeking refuge only in making the conscience callous. But the conscience of faction, the conscience of sedition, the conscience of conspiracy, war, and confusion * * * * * *

"Whether any thing be proper to be denied, which is right in itself, because it may lead to the demand of others, which it is improper to grant;—abstractedly speaking, there can be no doubt that this question ought to be decided in the negative. But as no moral questions are ever abstract questions, this, before I judge upon any abstract proposition, must be embodied in circumstances: for since things are right or wrong, morally speaking, only by their relation and connexion with other things, this very question of what it is politically right to grant depends upon this relation to its effects. It is the direct office of wisdom to look to the consequences of the acts we do; if it be not this, it is worth nothing, it is out of place and of function; and a downright fool is as capable of government as Charles Fox. A man desires a sword; why should he be refused? a sword is a means of defence, and defence is the natural right of man,—nay, the first of all his rights, and which comprehends them all. But if I know that the sword desired is to be employed to cut my own throat, common sense, and my own self defence, dictate to me to keep out of his hands this natural right of the sword. But whether this denial be wise or foolish, just or unjust, prudent or cowardly, depends entirely on the state of the man's means. A man may have very ill-dispositions, and yet be so very weak as to make all precaution foolish. See whether this be the case of these dissenters, as to their designs, as to their means, numbers, activity, zeal, foreign assistance.

"The first question to be decided, when we talk of the church's being in danger from any particular measure is, whether the danger to the church is a public evil; for to those, who think that the national church

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establishment is itself a national grievance, to desire them to forward or to resist any measure upon account of its conducing to the safety of the church, or averting its danger, would be to the last degree absurd. If you have reason to think thus of it, take the reformation instantly into your own hands whilst you are yet cool, and can do it in measure and proportion, and not under the influence of election tests and popular fury. But here I assume that by far the greater number of those, who compose the House, are of opinion, that this national church establishment is a great national benefit, a great public blessing, and that its existence or its non-existence of course is a thing by no means indifferent to the public welfare: then, to them its danger or its safety must enter deeply into every question, which has a relation to it. It is not, because ungrounded alarms have been given, that there never can exist a real danger; perhaps the worst effect of an ungrounded alarm is to make people insensible to the approach of a real peril. Quakerism is strict, methodical, in its nature highly aristocratical, and so regular, that it has brought the whole community to the condition of one family; but it does not actually interfere with the government. The principle of your petitioners is no passive conscientious dissent on account of an over-scrupulous habit of mind; the dissent on their part is fundamental, goes to the very root: and it is at issue not upon this rite or that ceremony, on this or that school opinion, but upon this one question of an establishment, as unchristian, unlawful, contrary to the Gospel, and to natural right, popish and idolatrous. These are the principles violently and fanatically held and pursued—taught to their children, who are sworn at the altar like Hannibal. The war is with the establishment itself, no quarter, no compromise. As a party, they are infinitely mischievous: see the declarations of Priestley and Price—declarations, you will say, of hot men: likely enough, but who are the cool men, who have disclaimed them? not one,—no, not one. Which of them has ever told you, that they do not mean to destroy the church, if ever it should be in their power? Which of them has told you, that this would not be the first and favourite use of any power they should get? not one,—no, not one. Declarations of hot men! The danger is thence that they are under the conduct of hot men; "falsos in amore odia non fingere."

"They say, they are well affected to the state, and mean only to destroy the church.

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able shape, that he conceived he had a right to ask them, whether they brought airs from Heaven or blasts from hell? And whether their advent was wicked or charitable? The question now therefore was, whether we had sufficient reason to repeal those acts at this time. Upon this point he was of opinion, that the subject, as opened by Mr. Fox, did not depend upon the principles of toleration; putting that consideration also, as well as the theological part of the subject, out of the question, he should look at the petition of the Unitarians, as it now appeared before the House. The petition was against the general principles of the christian religion, as connected with the state. It went to dismember the christian commonwealth. By a christian commonwealth there was established no alliance, as had often been erroneously stated, between church and state. Church and state were one and the same, and in order to see whether this petition agreed with that principle, the better way would be to look at the professions of the Unitarians. He had often heard that we were not always to believe the man who professed to be our friend; but the devil was in it, if we did not believe him, when he professed to be our enemy. The Unitarians were the enemies, the avowed enemies of the church; they had lately accused themselves of a disgraceful timidity with respect to the concealment of their sentiments, and now they were to atone for that timidity by an extraordinary boldness. They had avowed their hostility to the church. They had confessed their determination to propagate their doctrines. They were avowedly a society for the propagation of opinions immediately hostile to our church—they had incorporated for that purpose—they had published pamphlets with that view—they had raised a large fund to be employed in that service—they had entered into a solemn compact to obtain that end—it was well known that Dr. Priestley was their patriarch. Knowing all these things, the question was, whether persons with those views, wishes, and determinations, should be objects of the special grace and favour of that House. To prove that what he stated of them was true, he would read their publications, as publications issued to the world by themselves, which would be the best answer to the question, whether they were proper objects of favour, and whether to grant them indulgencies would be at this time prudent or politic.

In order to show what were the principles of these Unitarians, he would give their own authority, by quoting the toasts given at one of their meetings, which might be considered as articles of faith in all associations and political meetings, both of the present and former days, all of which, fourteen in number, were bumper toasts, and he would not withhold from the House a single bumper, by refusing to read them. He contended that the celebration of the 14th of July, and the libels of Thomas Paine, were the causes of the riots at Birmingham, and that they proceeded from political and not religious prejudices; upon both of these topics he dwelt for a long time, as highly mischievous in themselves, and dangerous in their consequences, because those very people, who were petitioners, had avowed their approbation of the abominable proceedings at Paris on that day, of horrid perfidy and unprovoked rebellion; likewise of the doctrine of Paine, and not only approved of them, but as it were recommended them for the imitation of England, to prove that they were connected with the Revolution society here, and the club of Jacobins in Paris, and adopted the same principles to their fullest extent. He read several of their resolutions, and concluded, that such people were not fit men for relief or encouragement, from their sentiments and connexions. He said, there was no religious liberty in France; but, on the contrary, the greatest persecution had subsisted ever since that dreadful 14th of

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If this be the utmost of their meaning, you must first consider whether you wish your church establishment to be destroyed? if you do, you had much better do it now in temper, in a grave, moderate, and parliamentary way. But if you think otherwise, and that you think it to be an invaluable blessing, a way fully sufficient to nourish a manly, rational, solid, and at the same time humble piety; if you find it well fitted to the frame and pattern of your civil constitution; if you find it a barrier against fanaticism, infidelity, and atheism: if you find that it furnishes support to the human mind in the afflictions and distresses of the world, consolation in sickness, pain, poverty, and death; if it dignifies our nature with the hope of immortality, leaves inquiry free, whilst it preserves an authority to teach, where authority only can teach, "communia altaria, æque ac patriam, diligite, colite, fovete * * *

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July, and worse persecution than could possibly take place in this country. He regretted sincerely what had happened at Birmingham, but it was of some consequence to know, that if we had not laws to prevent such outrageous riots, we had law and justice enough to compensate the sufferers; this was not the case in France. He was sure the right hon. gentleman must have been imposed upon on that subject, when he thought those riots proceeded from religious prejudices against the Unitarians; for Dr. Priestley had preached and written his Unitarian system for eight-and-twenty years without any molestation, until he and his followers came forward to celebrate avowedly the 14th of July, and declared their principles to be precisely the same.—Mr. Burke then went into a description of almost every event that had taken place in France since the Revolution, accompanying his observations with severe remarks on the proceedings of the national assembly. He contended, that the system of those in this country, who connected themselves with such society, and approved, or recommended these principles for examples to this country, was nothing short of an avowed intention to subvert and overturn every establishment, political and religious, of every kind, and a wish to extend that destruction to all nations.

Mr. *W. Smith* said, he did not believe the right hon. gentleman who spoke last, would wilfully do or say any thing in that House from improper motives; yet he must observe that, throughout the whole of his speech, there pervailed a misrepresentation, and a misunderstanding, both on the affairs of France, and with respect to the Unitarians, of which he was one, that he never could pass unnoticed. He declared his opinions to be completely with the Unitarians in all they had written, and every thing they had circulated, from a thorough conviction, that they were founded on principles of rectitude, justice, and honesty; all which was denied to them while penal statutes remained. The right hon. gentleman had dwelt on the word idolatrous. With respect to that word, Mr. Smith said, when he saw it in the book published by the Unitarians, he had disapproved of it, because he wished that decency of language might be observed as much as possible; but he did think that when the principles of the Unitarians were called blasphemous, they were not so unjustifiable in using the term idolatrous, as they would otherwise have been. He contended that they were completely unconnected with the Dissenters, and all other clubs, associations, or whatever name the right hon. gentleman might give them. With regard to the petition on the table, among the signatures of those who subscribed it, were the names of many clergymen, as well as laity, of Calvinistic clergymen, and Unitarian ministers; of those who were members of the church of England, as well as of those who dissented from the established church. The right hon. gentleman had assumed that all who approved of what was done in France on the 14th of July, approved likewise of every abuse that had since occurred in that country. This was an argument against the Unitarians, as uncandid as it was unjust and untrue. He would tell the House, that the Unitarians, and those who signed their petition, were as firm and steady friends to the constitution as the right hon. gentleman, or any set of men whatever. The right hon. gentleman had charged the society with being a set of men not fit to be countenanced by this country; if so, why had not the right hon. gentleman come forward and prosecuted them for their conduct? He challenged Mr. Burke to show, from any documents which he had, any just grounds for charging that society with a correspondence with the Jacobin club in Paris. If the right hon. gentleman could find, in any of their books, any plan for the subversion of the constitution and government of this country, he should be much obliged to him; as in that case, he should take the advice of the right hon. gentleman, and withdraw himself from the society. As long as his name was William, he would stand up for the principles which he then maintained, and would support them to the utmost of his ability. With regard to the meeting on the 14th of July, in commemoration of the Revolution in France, whatever might be the present situation of that country, its state at the period when that meeting took place, was, in his opinion, a state far more happy than that which the kingdom of France had ever known under the old form of government; and he was by no means ashamed of his name having appeared on the occasion. The right hon. gentleman had mentioned Dr. Priestley in terms of asperity. Now it was

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somewhat singular, that Dr. Priestley was not present at the meeting at Birmingham, which was a very peaceable one, and that he rather endeavoured to dissuade those from going, who formed that meeting: it was also somewhat singular, that the gentleman who presided on the occasion, was a member of the church of England, and was not injured in his property and person: it was likewise singular, that no member of the established church was injured, but that the dissenters alone suffered loss. The riots in 1780, and those at Birmingham, Mr. Smith contended, proceeded both of them from the operation of penal statutes, which marked out particular descriptions of people as odious, and as objects of persecution. The Unitarians had been said, by the right hon. gentleman, to be a sect which had never before been heard of: if the right hon. gentleman meant, that they had not been before heard of in the House of Commons, or that their names, as a society, had never before been seen on the table, he was right in his assertion; but he was astonished, that a person of such general information, should say, that they were a sect never before heard of: they had existed in the earliest age of Christianity, and were known to have been persecuted long since.—It was not on account of himself, or the Unitarians, that he wished those laws repealed; they had no fears about that, because they knew no person in this country would be daring enough to put them in force: they could not be called laws; they were a sort of non-descripts, which only had existence by continuing in lethargy, and if ever there was found an individual infamous enough to rouse them into action, the public mind would repel the attempt, and produce their immediate annihilation. He knew there was not a common informer bad enough for such employment; yet he almost wished for a prosecution of the kind, in order completely to have those laws demolished. As to the idea, suggested by the right hon. gentleman, that the repeal of the statutes in question was required, in order that the Unitarians might the more effectually propagate their opinions, and accelerate the completion of the objects that he had conceived they had in view, the circumstance of those statutes being repealed would not, he believed, occasion the society to publish one book more, or enable them with greater ease to disseminate those doctrines which they considered to be the doctrines of truth. Mr. Smith concluded with declaring, that, in his opinion, the House ought to accede to the repeal of the statutes that had been recited.

Lord *North* said, he was pleased with the mode in which his right hon. friend had opened the business, by confining his motion to the repeal of the 9th and 10th of king William. Though it always gave him great pain to differ from his right hon. friend, he must have done it, had it been proposed to repeal the Test and Corporation Acts; for, while the Act of Settlement remained, he never could submit to a repeal of those laws. The request of the petitioners was so reasonable, that he could not see any grounds of opposition to it: all the boon they asked, was not to make them criminal for acting according to their consciences—not to make a crime of deliberate conviction. Toleration was a principle agreed to on all hands; why, then, begin to refuse it to those who had done nothing to render them liable to persecution? If it is admitted that those laws are too bad to be put in execution, can there be a stronger reason for repealing them? Why are they to be maintained? Upon what principle of expediency, policy, or justice? The Unitarians were not turbulent or seditious men; but if they were, had we not the same laws to govern and punish them as others? With regard to the time, that objection had no weight with him; no time could be improper to do justice, or proper to continue injustice: religion was not to be defended by the dead letter of a dead law. If they meant to act as Christians, let them follow the pure and simple doctrines of Christ. "Love your neighbour as yourself," was the criterion of Christianity; and by that standard he had no objection to try all the laws in the statute book, and to repeal such as were repugnant to it, which he considered those in question to be.

Mr. *Mitford* objected to the motion; first; because the time was improper; secondly, because the minds of the people were in a state of ferment; thirdly, because the extent of the motion was too wide; and lastly, he objected to the nature and substance of it, as connected with a general system of repealing all penal statutes.

Mr. *Adam* contended that the grounds of objection, stated by his learned friend,

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were without the least foundation. With regard to the extent of the motion, the orderly manner in which it was brought forward, obviated that, because, when in a committee, it could meet with the discussion it required, and could not have in a House. As to the nature of it, the hon. gentleman had said, that, though repealing those laws would give great satisfaction to many, it would give much discontent to a far greater number of the people; but this he did not believe. He was sure the Unitarians held no such opinions as were ascribed to them. The House seemed to be fond of abuse against Dr. Priestley; but he knew of no such dangerous writings and doctrines as they charged him with. If any such existed, had the country so little spirit as to pass them over with impunity? Had they no laws to guard the constitution from such attacks, or no attorney-general to prosecute? He then referred to the petitioners, whom he described to be very respectable. That the time was improper, certainly could not be seriously urged, since they were told, that the country was in a state of universal prosperity which it had never before seen.

Mr. *Pitt* said, he now rose to give his reasons for voting against the motion. If, upon a liberal view, it could be proved that there were laws existing against the general system of toleration, undoubtedly if circumstances would admit of it, an opportunity should be taken to do away such laws. When, however, a motion was made that went to do away the whole system of laws relating to religion, it required the serious regard of that House. The statutes in question had stood long, and were thought necessary by our ancestors. No practical evil had resulted from them to any description of men, nor was likely to happen; and danger might accrue from their being repealed, upon many occasions; nor would he hesitate to say, that there was just as much reason to be apprehensive of danger now as at any former period. Hitherto it had always been thought wise to observe extreme caution in all matters of religion, and particularly to do nothing that looked like an attack upon the established religion of the country—a policy which ought never to be departed from. It had been argued, that if an act was never put in force, it ought not to exist. He differed from this reasoning, and brought the question to this, whether, by repealing those laws, from a continuance of which no practical evil existed on one side, and evident danger seemed to be the consequence of repealing them on the other, would it be wise to do it? He objected to the mode of bringing forward the motion; for though the right hon. gentleman confined himself to the 9th and 10th of king William, he had intimated his intention to pursue the general system until all the statutes, inflicting penalties for religious opinions, should be repealed. In viewing the statutes in question, they ought to consider that, though they might be improper perhaps in theory, yet their practical effects were not detrimental; and they ought also to consider what might be the practical effects of the repeal of them. If the measure were to be carried into execution, it ought to be done deliberately, and in a manner the most guarded. Many might misconceive the grounds upon which the House repealed those statutes, and the probability was, that that would be the case. As to the country being in a state of ferment, he believed his learned friend had gone too far when he said it. If there were persons inimical to the constitution, he really believed their numbers were small, and their proceedings too insignificant to be dangerous. The great body of the people were firmly united in their love for the constitution, and had a proper sense of the many blessings they enjoyed under it. At the same time, he saw no propriety in that House giving encouragement to a society, whose declarations avowed their principles to be subversive of every established religion and every established government, and who meditated a deliberate attack on the parliament of the country. If they were to repeal this law, might it not be so misrepresented, that the public mind might be impressed with an idea that, in place of wishing to relieve a certain class of men from penalties, the House were become indifferent about the established religion, and careless of what infringements they made upon it? This they would think the first step towards a gradual abolition of all the establishments and fundamental principles of the constitution. He likewise thought, in all cases of this nature, the previous opinion and concurrence of those most materially affected ought to be obtained. With respect to the repeal of the statutes in question, or the permitting them to remain as they had hitherto continued,

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he conceived that the danger was all on one side, and that no inconvenience was to be apprehended on the other.

Mr. *Fox* rose to reply. He said, he had indeed heard, before he came into the House, that his motion was likely to be opposed; but what the grounds of opposition were, he had not the least idea of. Now, however, all was out; for the right hon. gentleman on the bench with him (Mr. Burke), had circuitously, and the right hon. gentleman opposite, directly opposed every principle and system of toleration, in a manner that he never could have expected from either of them. It was not his intention to follow the first right hon. gentleman through all the extraneous matter he had introduced; for, certainly his motion had nothing to do with France, which it was the fashion with some gentlemen to cram into every debate. His opinions of the French Revolution were precisely the same now that they ever had been. He considered that event as highly advantageous to this country, and to the world in general; and that right hon. gentleman knew his disposition too well, to suppose that any temporary or accidental defeat that the French might suffer in their struggle for liberty, would stagger his mind with regard to their success in the result. Such accidental defeats were to be expected at the commencement of such wars, and when attacks were made by raw and undisciplined troops; but those defeats would not be decisive; and such had been, as the right hon. gentleman well knew, their mutual opinions during the American war. He had heard of treachery, perfidy, and unprovoked rebellion, and the demolition of one of the king's fortresses, in high terms; and though he had been told that no two-legged animal could be found, who would credit the old woman's stories about the Bastile, he would acknowledge himself to be that animal. He knew the right hon. gentleman's taste for poetry, and when the Bastile was mentioned, a description of it came to his mind, as given by one of the first of our modern poets, the amiable Cowper, in his poem of The Task:

"Ye horrid towers, th' abode of broken hearts,
Ye dungeons and ye cages of despair,
That monarchs have supplied, from age to age,
With music such as suits their sovereign ears,
The sighs and groans of miserable men!
There's not an English heart that would not leap
To hear that ye were fallen at last; to know
That even our enemies, so oft' employ'd
In forging chains for us, themselves were free.
'Tis the cause of man.
There dwell the most forlorn of human kind,
Immur'd though unaccus'd, condemn'd untry'd,
Cruelly spared, and hopeless of escape. ———
Oh, comfortless existence! hemm'd around
With woes which who that suffers would not kneel
And beg for exile, or the pangs of death?—
That man should thus encroach on fellow man,
Abridge him of his just and native rights,
Eradicate him, tear him from his hold
Upon th' endearments of domestic life
And social, nip his fruitfulness, and use
And doom him, for perhaps an heedless word,
To barrenness, and solitude, and tears,
Moves indignation."

After having repeated these lines, he added, in the language of the poet, that there was not an English heart which would not leap to hear that this monument of arbitrary power, this abode of wretchedness and despair, had now fallen. With respect to Paine's book, he had called it a libel, but not an infamous one; it was a libel on the constitution of Great Britain—the right hon. gentleman's book was a libel on every free constitution in the world. The French revolution he had particularly avoided touching on. He knew not why Dr. Priestley, because he approved of the French revolution, should be liable to punishment from the circumstance of his being a Unitarian, and that he (Mr. Fox) should be exempted from punishment who was of the same opinion, but was a Trinitarian. He had never before heard the Birmingham riot defended. He did not think that the merits of any question ought to be decided by the conduct of an individual. Some of Dr. Priestley's works he had read; in his religious writings he had found nothing of politics, and his political works seemed free from religion. Mr. Fox noticed the circumstance of Mr. Burke's having, he believed, last session on the Catholic bill, declared a wish, that all the sanguinary laws inflicting death in matters of religion were repealed.* The right hon. gentleman, indeed, might have altered his opinion, as he had lately done, very suddenly, on various topics. The idea that repealing the statutes would give scandal to the people, as rendering them liable to the imputation of indifference to the religion of the country, Mr. Fox considered as weak and unfounded. The pagans, he observed, might have said the same with respect to the Christians. No measure of toleration

* See Vol. 28, p. 1372.

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was ever known to have originated with the bishops, and on the subject before the House they were the last persons to be consulted. Mr. Fox adduced some strong facts in support of this observation. He had within the last three years paid particular attention to the subject, and had read considerably upon it, and he was, from the completest conviction, a firm friend to religious establishments. With regard to the times, he did not think that popular prejudice should deter the House from giving their opinion on the subject; the House, he observed, of late seemed inclined to become the slave of popularity. When he considered the various books that had been published, and reflected on the manner in which the Birmingham rioters had been punished, he thought there appeared to be a violent high-church spirit in the country. If gentlemen saw danger abroad, they ought to step forward and endeavour to crush it; for his part he feared none. Mr. Fox concluded with declaring, that he hoped and trusted, that the subject of toleration would be renewed as often as could be, convinced as he was, that the more it was discussed, the more its justice would be perceived and acknowledged.

The House divided on Mr. Fox's motion:

TELLERS.

YEAS.	Mr. Grey Mr. Adam	63
NOES.	Mr. Neville, Mr. Mitford	142

So it passed in the negative.

Address for further Recompence to Mr. Ley, Clerk Assistant of the House of Commons.] May 17. Mr. *Pelham* rose in conformity to the notice he had given of his intention to move for some additional reward for the long and faithful services of Mr. Ley the clerk assistant. He said his services, during twenty-four years, entitled him to a much higher reward than his salary, and the fees of his office, conferred upon him. Mr. Ley had renounced the emoluments and professional honours of the bar, to which he had been brought up, to devote his talents and his time to the service of the public in that House. How serviceable those talents had been, those could witness who had long been members; and they could not more admire the talents than they esteemed the man who possessed them. Had the honourable gentleman continued in the practice of his profession, he certainly would have obtained considerably greater emoluments than by the office he now held; and had he been a member of that House, he would have been one of its brightest ornaments. His object was not to increase the salary of the office, but to confine the remuneration he meant to move for to the honourable gentleman, whose services highly merited the consideration of the House; and that the House should act as it ought for its own dignity, the proposal he should offer would be "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions for making some farther recompence to John Ley, esq, in consideration of his long and meritorious services as clerk assistant of this House, and to assure his Majesty that this House will make good whatever sum his majesty shall order to be issued for this purpose."

Mr. *Pitt* spoke in highly complimentary terms of the talents and services of Mr. Ley, who the more he was known, the more he was admired and respected. He was sure that, on this occasion, there would be no other competition between the members, than that of which should do the most justice to the hon. gentleman's services: for his part, it was with great pleasure that he rose to second the motion.

Mr. *Fox* said, that as an old member of parliament, he had long had opportunities of knowing the gentleman who was the subject of the motion; and he could safely say, he never gave a vote with more pleasure, than that which he was now going to give in support of the motion.

The motion was agreed to, *nem. con.*

Debate in the Lords on Mr. Fox's Libel Bill.] May 16. The Bill was read a second time. On the Motion, that it be committed,

Earl *Camden* rose, and prefaced his sentiments by a very affecting address, declaring, that he had thought never to have troubled their lordships more. The hand of age was upon him, and he felt himself unable to take an active part in their deliberations. On the present occasion, however, he considered himself as particularly, or rather as personally, called upon. His opinion on the subject had been long known; it was upon record; it

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was on their lordships table. He still retained it; and he trusted he should be able to prove, that it was consonant to law and the constitution.—The plain simple point which was under the consideration of their lordships, in his opinion, was, Whether the charges which had of late been given to juries in cases of libel, namely, the telling them that the fact of publication, and the application of the innuendoes, being proved, they were bound to find the defendant guilty, leaving, the court to judge afterwards, whether the writing was or was not a libel, were consistent with the law and constitution of this country? The learned judges, in their answer to the questions proposed to them by the House, had ample opportunity of answering that question distinctly; but they had cautiously avoided giving an opinion upon that point, and had confined themselves to other collateral subjects. On this point he was as firmly convinced as he ever was of any thing. It was to the jury, and to the jury only, that a question of libel should be submitted; and as this had been doubted, it was proper the point should be set at rest. He wished the House to reflect on the consequence of leaving it a point unsettled. Hereafter, in cases of libel, the counsel for the defendant would urge to juries, that this bill was the general sense of the people of England, expressed in the House of Commons, almost *nemine contradicente*—and who was the judge who would dare to stop a barrister making such an observation? On the other hand, the counsel for the prosecution might insist on the opinion of the House of Peers against the principle of the bill. This would introduce altercations between the jury and the bench, would be a great impediment to the distribution of public justice, and might affect the tranquillity of the people.

He exposed the fallacy of the pretended distinction between law and fact, in the question of guilty or not guilty of printing and publishing a libel; they were united as much as intent and action in the consideration of all other criminal proceedings. Without an implied malice a man could not be found guilty even of murder. The simply killing of a man was nothing, until it was proved that the act arose from malice. A man might kill another in his own defence, or under various circumstances which rendered the killing no murder. How were these things to be explained? by the circumstances of the case. What was the ruling principle? the intention of the party. Who were judges of the intention of the party; the judge? No; the jury. So that the jury were allowed to judge of the intention upon an indictment for murder, and not to judge of the intention of the party upon libel. This, indeed, was so much out of all principle of justice and common sense, that it could not be supported for a single moment. Our ancestors, indeed, had remained silent upon the point, whether the intent of the party, and tendency of a publication alleged to be a libel, was matter of law, or matter of fact. The reason was obvious; it was neither the one or the other simply, but a compound of both, and which in their very nature could only be decided by a jury. There could be no libel, without a mischievous intention and tendency. The jury, if deprived of judging of that intention and tendency, might as well be deprived of the power of judging of the fact of the publication; for the intention and tendency made part of the subject in contest between the parties. On the part of the prosecution it was alleged, that the defendant did wilfully, maliciously publish, &c. The defendant denied this charge by his plea, "I'm not guilty of the offence laid to my charge." What were the jury sworn to do? Well and truly to try the issue joined. The question was, who should have the power of saying guilty, or not guilty, on a libel? —The jury beyond all dispute. There could not be two opinions upon it stated in this view.—But a distinction had been taken, and it was said, "Ad questionem legis non respondent juratores, et ad questionem facti non respondent judices." This maxim was a very true and plain one; but it was misapplied; it was not applicable at all to the case of a libel; it referred solely to the case where the law and the fact might be separated, and had no natural connexion whatever. It applied to cases where the fact was admitted by the defendant as stated by the plaintiff, but where the defendant denied the point of law, arising out of that fact, as stated by the plaintiff; and this was argued by way of demurrer. But in this was a case where there was no law separate from the fact, or rather there was no law at all. The publication was a fact; the intention was so connected with fact, that it could only be proved by fact. The tendency was

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so connected with fact, that inference could not be drawn only from circumstances arising out of a fact. There was not, nor could there be, any thing in the nature of a libel, that the most ignorant man in England, not being an idiot, could not judge of as well as the most profound lawyer. A German, or any other foreigner, who knew nothing of our constitution, might judge of it. There never was, nor could there be, a difficulty in it. Nothing more was to be judged of than appeared on the face of it, the natural tendency of the thing. Why should a man be a lawyer, in order to understand English? The truth, indeed, was, that, by these distinctions, or affected distinctions, between law and fact, where there was no law, and the whole was fact, had frequently been the cause of juries, of a pliant disposition, to trifle with the oath they took.

Some juries were found resolute enough to disregard the instruction, and find a verdict for the defendant. Others were overawed by the presence, and, perhaps, the menaces of a magistrate, robed, learned, and dignified, and found a verdict against their consciences, and their oaths. Other juries, taking a middle course, had found their verdict, "guilty of printing and publishing," which was sure to have the effect of a full conviction; for in all such cases, the court then directed the clerk to enter the verdict generally, "guilty." Again, juries, when so directed, seeing the fact of printing and publishing proved, and not able to conceive any guilt or libel in the publication had added to their verdict the word "only." Nothing could be more evident than that their intent, by so doing, was to pronounce upon the innocence of the defendant; the court, therefore, could not, as in the other case, order the clerk to enter guilty, and so proceed to judgment. What then was to be done? A new device is found out for this. The verdict is set aside as faulty, and a new trial ordered. Lord Mansfield, who, he believed, introduced this practice, had advanced such arguments in defence of it, as he could not agree in, although he regarded the learned lord as one of the greatest magistrates, and the ablest man, this country had ever been blest with. While he differed from lord Mansfield in this, he thought himself, because of dissentions between them on former occasions, bound to express, in the strongest terms he could use, his very high respect for that noble and truly learned lord, who, if he were there, would bear him witness, that personal rancour or animosity had never mixed with their differences.

Here his lordship entered into a very able, clear, forcible, and accurate historical detail of cases, determined both in good and bad times, from the time of Bracton, five hundred years ago, down to the time when he himself was at the bar, and proved, that the general bent of all the charges, which had been given to the jury, was, that they were to judge of the intention and tendency of the alleged libel; that they were solely to determine the whole case. Even Judge Jeffries himself had done so, and he could not be said to entertain any sentiments against the power of the crown contrary to law. Adverting to the practice respecting libels, his lordship contended that it was altogether modern. What, he asked, would have been the fate of the Seven Bishops in the reign of James 2d, if the opinion of the judges had been binding on the jury? It was not binding, and the reverend prelates were acquitted. In the case of the King against Owen, in which his lordship was counsel for the defendant, he was allowed to address the jury on the whole matter of the libel.* In the case of the King and Dr. Shebbeare, he went into court pre-determined to insist on the jury taking the whole of the libel into consideration. So little did he attend to the authority of the judges on that subject, that he turned his back on them, and directed all he had to say to the jury. Lord Camden said, that, in the days of Charles and the James's, the doctrine now contended for would have been most precious, it would have served as an admirable footstool for tyranny.

So clear was the point in his mind, that the juries were the whole and sole controllers of all the case of libel, that if all the bench of the courts of law, all the bar, and the unanimous voice of parliament, should declare it to be otherwise, he would not change his opinion. He wished the House to say with whom should judgment on the effect of libel rest? Or rather who should have the care of the liberty of the press? The judges, or the people of England? The jury were the people of England. The judges were independent men—be it so; but were they

* See 18 Howell's State Trials, 1227.

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totally beyond the possibility of corruption from the crown? Was it impossible to show them favour in any way whatever? The truth was, they possibly might be corrupted—juries never could. What would be the effect of giving judges the whole control of the press? It would soon be shut up. When so shackled, nothing would appear that was disagreeable to government. As well might an act of parliament be passed, that nothing should be printed or published but panegyrics on ministers and government. With such principles we should soon lose all thoughts of freedom. So clear was he, that even if it were not law, it should be made law, that the juries should judge of the whole case of a libel, that he protested he thought, that in all the catalogue of crimes, there was not one that was so fit to be determined by a jury, and not by a judge, as a libel. With the jury, therefore, the business should be left; and there could be no doubt but juries would always be sufficiently inclined to protect the characters of individuals against the pen of slander, and government against the licentiousness of sedition.

Earl *Stanhope* said that from the able and sound arguments, stated in the speech of the learned earl who had just sat down, he need not go into the length he otherwise was prepared to do. The learned lord who presided over the court of King's bench, had on a former day, among other very extraordinary expressions, said that "he found, from the bill, that libellers had their friends." [Lord Kenyon denied that he had said any such thing.] That learned lord had been the judge in the case of Stockdale, and it was the illegal direction to the jury given by the judge, that had been the occasion of the present bill. He commented on that direction, and said, in any case, whether of murder, burglary, libel, or any thing else, the jury were to find not only the crime of murder, but whether the prisoner had been guilty of manslaughter, or, in fact, whether he was guilty at all. If the prisoner, when he was arraigned, pleaded not guilty, he was then asked, "How will you be tried?" Which was in former times a very significant question, because there were then two modes of trial, trial by battle, and trial by law. The trial by battle had been long since abolished, and a prisoner now generally answered, "By God, and his country." He then had a right to challenge the jury, who are told by the court, that they are the country. He went through all the forms of a trial by indictment for treason or for libel, and pointed out the rights and privileges which the humane spirit of the law of England gives a prisoner of rejecting any juryman whose countenance displeased him, even if he had no stronger reason. Formerly, judges could be challenged, but now they could not, which was, in his opinion, to be lamented. In elucidation of his argument, he put an hypothetical case, by supposing that sir Elijah Impey, who had been a judge in India, were made a judge in England, would it be contended, that after having had a motion made against him in the House of Commons for an impeachment for murder, sir Elijah would be a fit judge to try the gentlemen who had brought forward that motion? Or would it be said, that if the four judges of the King's-bench were to be impeached for high crimes and misdemeanors, and were to be acquitted, that they would be fit judges to try the persons who so impeached them, if they were to happen to be put in a state of trial for any criminal offence? He would state to the House an authority, which the learned lord on the woolsack could not controvert, viz. the authority of himself. He then read several extracts from the trial of Mr. Horne for a libel, in 1777. His lordship commented at length on this trial, stated the direction of lord Mansfield, and said, he would oppose the authority of Mr. Attorney General Thurlow against the authority of the learned lord on the woolsack, and if the noble and learned lord would not give him his vote, at least he hoped he would pair off with Mr. Attorney General Thurlow.* He next quoted the case of libel, in which a young lady of Nottingham, who had been expelled the Society of Quakers, and who either filed an information, or brought an action for damages, against the clerk of the meeting, for stating in his entry in the society's books, grounds for her expulsion, which were libellous. One was, that the young lady did not exercise that rigour or self-denial, that she ought to have done, which was rather a severe sarcasm on a young lady. He mentioned the particulars of the trial, when the judge (lord Mansfield) had said, "such a question had better be tried by the court above." He next referred to the manner in which the lord

* See 20 Howell's State Trials, 745.

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Chancellor had quoted sir Matthew Hale, and charged him with having misrepresented that learned judge, who in his First Institutes of Common Law, page 260, speaking of the office and duty of a judge, in regard to his direction to the jury, says, "the judge is to assist the jury, not by points of law, but in points of law." And a still stronger passage was to be found in Blackstone, vol. 4, p. 361. His lordship quoted Leonard's Reports, and an infinite variety of other authorities, to prove that juries might go according to their consciences in the law, and according to their own knowledge in the fact. He would next state an authority, which was now, what the late Mr. Dunning had been in his day, the first man in his profession, and the chief ornament of the bar. He meant Mr. Bearcroft, the chief justice of Chester. What he alluded to was, the conduct which Mr. Bearcroft, to his immortal honour, had pursued in the case of the dean of St. Asaph, when he had acknowledged the right of the jury, to take both the law and the fact in their own hands. On that occasion lord Mansfield had contradicted Mr. Bearcroft, when he made the admission, and had said, "you mean the power, not the right." Mr. Bearcroft instantly replied, "I do not mean the power, for that no man ever disputed; but I mean, the right, which the constitution gives the jury, whenever they choose to exercise it."* Mr. Bearcroft was not only a great lawyer, but was better, a friend to the constitution, and an honest man. His lordship mentioned Bushell's case, and the famous case of John Lilburne, who had addressed himself to the judges, and said, "the jury were to decide, that they were to judge of the law and the facts also, and that by law, the judges upon the bench, who were only Norman intruders, were merely the receivers of the decision of the jury, which they were obliged to put upon the record." The jury found Lilburne not guilty. His lordship quoted Mr. Erskine's argument on the trial of the dean of St. Asaph, and lord chief justice de Grey's conduct in the case of the King against Woodfall, declaring that they who thought as he and other lords did, had every case of any sort of authority with them. He mentioned the licensing act in the reign of Charles 2d, by the which it was enacted, that no book on politics or history was to be printed without the authority of the secretary of state; no treatise on the common law without the licence of the lord chancellor; none on heraldry without that of the earl marshal; nor no novels, romances, fairy tales, nor any work in science, philosophy, mathematics, physic, divinity, or love, without the licence of the archbishop of Canterbury, supposing him, no doubt, the most conversant in all those subjects. His lordship took notice of the lord chancellor having in his speech on a former day mentioned, that it was necessary that the practice of the law should be uniformly the same throughout the kingdom, in Cumberland as well as in Cornwall, and that therefore the construction of points of law ought to rest with the judges. His lordship said, it was not a little extraordinary, that the learned lord should have instanced two counties, which he meant himself to have referred to, as instances of his argument on the other side of the question. A stronger proof of the propriety of leaving the law as well as the fact to a jury, could not be found, than by stating, that there was a particular word, he did not precisely recollect it, in use in both the counties of Cumberland and Cornwall, which in one meant a term of the severest and most disgraceful reproach, and in the other was received as an expression perfectly harmless and innocent. Juries of each county being aware of the local import of the term in their own district, would give it its due interpretation, and find a verdict accordingly; whereas, upon the uniform practice contended for a defendant might be convicted of a libel, for using a term locally harmless. He put the case, that an action for a libel was brought for using a modern word, not to be found in any grammar or glossary, viz. for saying that a man was "a great bore;" a jury would laugh at such a ground of prosecution, but the judges would turn to their grammars and glossaries, and not being able to meet with it, would say they could not find such a phrase as "a great bore," but they had found a wild boar, which no doubt it meant; and yet it could not be, as a wild boar had four legs, and a man was a two legged animal; then it must mean, that the plaintiff was like a wild boar in disposition, which was a wicked libel, and therefore let the defendant be hanged." He mentioned the dispensing judges in James 2nd's time, who had advised the king that it was legal for him to

* See 21 Howell's State Trials, 973.

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raise money from the subject without the consent of parliament, that in time of peace he might have a standing army, and even that he should have the power to give grants of the property of private persons before they had been convicted; all which might be seen in the bill of rights. In Mr. Erskine's report of the trial of the dean of St. Asaph, it was said by lord Mansfield, that he ought to take another trial, but that he must stand committed till he found bail, which of course he did immediately. If it had been the case of a poor man, could he have afforded the expense? and surely their lordships did not mean to lay down a rule by which a rich man might be at large and a poor man confined? He had heard an opinion stated by the late lord Ashburton who said, that he often observed the jury were carried away by an improper impulse from something peculiar that fell from a witness, or something that dropped from the judge, but that there were always one or two men of sense and discernment on the jury, who made the others search the business to the bottom, and brought out a just verdict. He mentioned Blackstone's declaration, that there was no more liberty in this country, than there was formerly in France, or at present in Turkey, and the great difference between a trial by jury and a suit in chancery. The one, his lordship said, decided a cause in a day; the other, continued not from year to year, like Mr. Hastings's trial, but from generation to generation. In his own family in the court of chancery of Ireland, a suit had been pending, which considered as a suit in chancery, was tolerably soon ended, viz. in forty-two years and then the parties took it out of court, and concluded it by a compromise, and that was what was emphatically termed chancery dispatch. This reminded him of a celebrated *bon mot* of a noble ancestor of his; a person had bought a horse, which proved uncommonly restive and unruly, overleaping every fence and mound within which he was placed. The gentleman who owned the animal mentioned the circumstance to the late earl of Chesterfield, and said, he believed he must build a wall round the horse to keep him in due bounds: when the earl said, "put him in the court of chancery, and I'll warrant you he'll never get out of it." With regard to the intention with which a criminal fact was committed, it often happened that the intention was all the crime. In proof of this, he put the case of a man's getting upon a horse to try him, and riding off with him; when a messenger being dispatched after him, brought him back. When put upon his trial for stealing the horse, the man says, "I did not run away with the horse, but the horse ran away with me." The whole question in such a case would be the intention. If a man did an act where the hand was not guided by the heart, where the soul, he might say, was not accessary to the act, there was no criminality. He also put the supposed case of a hand bill, published in the year 1780, when the riots had disgraced the metropolis, calling upon the enemies of popery to take up arms, if the party indicted were to plead that the hand bill was printed in the year 1745, and was meant to excite the public to take up arms, to repel the pretender, as the rebels had got to Derby, such a defence would convert a crime into a meritorious act. Upon the whole he maintained that the publication of a libel was not a question of mere law, but of law and fact blended together, which ought to be decided by the jury. He then went into an eulogium on the constitution, which he declared was an excellent one, inasmuch as it tended to make the people happy, and to secure their liberties; but their lordships ought ever to remember, that the constitution might be undermined, and that the House of Commons had at one time been destroyed by corruption, and at another, the House of Lords had been voted useless. They at one time had judges like Jeffries, that abominable monster, that bloody and brutal executioner of the west of England, that murderer of Algernon Sydney, that wretch of whose memory no man could speak without horror and detestation. They had seen the habeas corpus taken away by act of parliament, and the liberty of the press destroyed by the licensing statute. They had known tyrants upon the throne, like Henry 8th and Richard 3d, Charles 1st, Charles 2nd, James 1st, and that English Tarquin, James 2nd. If they were the most happy and prosperous people on the face of the globe, it was owing to that impregnable fortress, that strong hold of the constitution, trial by jury.

Lord *Kenyon* said, after the unprovoked attack that had been made upon him, he must appear the meanest of mankind in their lordships' estimation, if he did not endeavour to repel the attack. Every man could

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not command the great abilities and the great eloquence that they had heard exhibited that day, but there was one thing in every man's power, viz. veracity. The noble lord, instead of instructing himself upon points respecting which he had the means of information, chose rather to attack him upon false facts; he surely therefore had some right to complain. With regard to Stockdale's trial, the noble earl had mistated the whole of that matter. The jury in that case had brought in a verdict completely satisfactory to his mind, nor had he at the time expressed the smallest displeasure at it; and so far from his direction to the jury, in that cause having been wrong, Mr. Erskine, the counsel, for the defendant had told him, as soon as the hearing was over, that it was precisely what he wished it to have been. His lordship said, the noble earl had done every thing to ridicule all that was held sacred by every thinking and temperate man. With regard to himself, it never had happened to him, when he sat as a judge, to have a dispute with a jury on a question of libel. He mentioned a case, in which one juryman entertaining an opinion contrary to his advice and direction, had stood out, and at length prevailed on the other eleven jurymen to come over to his opinion, contrary to their own judgment, in consequence of which, they had not broken their oaths, but had given an imperfect verdict. A new trial, however, was granted and the second jury gave a pretty striking proof of the opinion they entertained of the former jury and their verdict, by unanimously and almost immediately finding the defendant guilty. He complimented lord Camden on his mode of arguing his opinion, which he said the noble earl had done with decency, with dignity and with eloquence. His lordship declared no man living admired a trial by jury more than he did, and they that saw it most frequently, would always be those who admired it most. He quoted lord Hardwicke to prove that a judge of such acknowledged wisdom and integrity, was of opinion that the questions of law arising upon facts adduced in evidence were not to be determined by a jury. He conjured their lordships therefore to let the law remain as it had ever stood, with all its guards and fences about it. A man sitting on the bench suffered many an uneasy moment in going through the business of his situation, and was obliged to consult his conscience, to enable him to do his duty. His lordship stated the advantages that resulted to the public, from the law in cases of libel resting with the judges. If a man published a paper, which was not a libel, but inculcated virtue instead of vice and sedition, and were indicted for a libel before him, he would not direct a jury to find a verdict against such a defendant; and there had occurred cases, where the jury having found the defendant guilty, the judge had stepped in, and rescued him from the consequences. After stating various cases of this sort, his lordship recurred to earl Stanhope's argument, and said, if he were to quote sir Isaac Newton's Principia, or to go into a dissertation on Euclid's Problems, he should not perhaps, step so far out of his way, as the noble earl had done in his quotations; many of which were inapplicable in themselves, or grossly misapplied; and, indeed, the whole of the noble earl's speech, instead of appearing to be proper for their lordships' hearing, was rather calculated to enflame the lowest dregs of the people, and put them out of humour with the public administration of justice.

Viscount *Stormont* spoke of the administration of justice in this kingdom, in terms of warm praise and admiration. The question of difference on the present occasion was, that the judges, and those who thought as he did, contended that juries ought not to decide on what they did not understand. To decide on facts, integrity of heart, and a plain understanding, were sufficient; not so on points of law. There unlettered men like himself might be bewildered, and misled. His lordship quoted Mr. Justice Forster to prove that he thought upon the subject as the present judges did; and he had a passage from lord Hale that corroborated and confirmed the same opinion. He denied that libellers would be more easily brought to justice if the present bill passed, than if it did not; and complained of the obscure wording of the bill, which, he said, was a little extraordinary, considering the luminous quarter from which it was supposed to come. He stated his objections to the preamble, and declared that he was not able to make sense of it by any construction he could give it. He said, the notice that had been taken of the paper that had been put on their table by a noble and learned relation of his, afforded a pleasing earnest of his future fame. He already enjoyed,

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"——That which should accompany old age,
As honour, love, obedience, troops of friends."

His lordship here paid his uncle, lord Mansfield, a most elegant compliment; observing, at the same time, that he had always desired the court might be moved if he had ever misdirected a jury in a libel cause; but that as the court had never been moved on such a ground, he had a right to insist upon it, that he had not.

The Marquis of Lansdown rose, and was beginning to speak, when the House was thrown into confusion by lord Stormont falling into a fainting fit, from which his lordship soon recovered, but the accident had so much deranged their lordships' feelings, that lord Grenville thought it prudent to move, that the debate be adjourned to Monday next.

May 21. The House proceeded to take the bill into further consideration. The question being put, that the said bill be committed,

The Marquis of *Lansdown* began with some very handsome compliments to earl Camden, who, he said, was the oldest friend he had in the House, and who, greatly to his own honour, had closed a professional life of more than thirty years continuance with an adherence to the same principles with which he had originally sat out. His noble friend had delivered his sentiments on the subject of the present bill, with a force of truth, a brilliancy and a clearness of eloquence rarely displayed by the most able man living, at any one period of his existence, and seemed now likely to have the good fortune of having his principles engraven on the constitution, engraven on the laws of his country. To the bill he could not but cordially wish the fullest success, because it proceeded on grounds that he had been in the uniform habit of regarding as the only rational grounds that the law ought to stand upon, in respect to trial on questions arising in cases of libel.—When the question had been agitated before, it had been agitated with great violence, whereas it had on the present occasion, been discussed solemnly and with sufficient dignity. His noble friend maintained the bill at large, and in almost every point of view, with unanswerable arguments, and had shown that the doctrine set up in opposition to it was a modern doctrine; and the noble viscount who had opposed the bill, had conducted what he had to say against it so fairly and impartially, that after what had been already said on both sides the question, it was extremely difficult indeed for him to state any thing new upon the subject. — Where judges had acted openly and honestly, they had found juries willing to listen to their observations in matters of fact, and cordially ready to receive their direction in matters of law. He stated the direction of chief baron Eyre on the trial of captain Gordon for murder in a duel; and said, the chief baron had there given his opinion on the law and the fact to the jury, and told them it was their duty to found a verdict on both the one and the other, as to their conscientious opinion should appear to be right. Such a direction was perfectly fair, and could afford no ground for cavil.

His lordship observed on the sixth answer of the Judges to the questions put to them by that House, and said it was a clear reply, and a reply to which no objection could be raised; and if he were to look at the conduct of the judges in that House only, and when called upon to assist their lordships, he should think the bill wholly unnecessary; but unfortunately they were to be regarded when moving in another sphere, and it was curious to see what the language of these very judges was when sitting in their own courts, acting with more authority, with no eye to observe, no power to control their decisions. With their lordships, the judges professed all humility, fairness, and the most unqualified inclination to act for the advantage of defendants, and with the utmost latitude of condescension to juries. He would trouble the House only with two instances in proof of this part of his argument. The one was the trial of the Dean of St. Asaph, on the 15th of November, 1784, before Mr. Justice Buller, at Shrewsbury; the other, what passed on the motion for an arrest of judgment in the court of King's-bench on the subject of that trial. Upon the first, when the judge was appealed to by counsel for the defendant, to know whether the publication was a libel or not? Mr. Justice Buller had said, "that as a single judge, sitting at *Nisi Prius*, it was not for him to state the law, the whole matter was on the record: and God forbid, by an assumption of the province of

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the court on his part, that the subject should be deprived of his dearest birth-rights, the right of appeal for arrest of judgment, or of appeal on a writ of error, to a still higher court!" The marquis ridiculed the declaration, that a right of appeal in arrest of judgment, and of moving for a writ of error, was one of the dearest birth-rights of Englishmen, asserting that it was neither more nor less than the being turned over from one set of lawyers to another, and from that other to a third. In fact, it was to be turned over from the judge who tried the cause, to himself and three others, in a second place; and from them to themselves again, mixed with a few more judges, in a third place! How infinitely preferable was a verdict of acquittal in the present instance; and how absurd was it to hold forth this circuitous road of arriving at justice, in the case of an innocent man, as the dearest birth-right of an Englishman.

His lordship proceeded to his second instance, viz. to the arguments of the judges on the application in arrest of judgment. He read an extract from Mr. Justice Ashurst's speech on that occasion; that judge declared, he thought all the points in the case reducible to two. With regard to the power of the jury to take law into their own hands, as well as matter of fact, he utterly denied it. They had the power, he acknowledged, but not the right; and he illustrated the case, by stating, that if a man held a pistol to another's head, he had the power to take away his life, but would any man say he had a right to do it? Just so the jury were circumstanced, who had the power to give a decision on the question of law, but not the right. The marquis commented very freely on their mode of telling a juryman that he was like a highwayman, and said, it was one among a great variety of proofs, how different the opinion of the judges was, when stated to their lordships, and when given in their judicial capacity. Having amply discussed the two precedents, the marquis took notice of the song written by Mr. Pulteney, the late lord Bath, on the occasion of the acquittal of Franklin the printer, many years since, which he said had been quoted by a judge in his court (lord Mansfield) in a different sense from that in which it had been written and understood, and relied on as a grave argument in proof of the generally-received opinion of the doctrine of libels.* His lordship said, he must have a pretty tolerable degree of confidence in his auditors, and well knew the temper of those around him, before he could have ventured to do so extraordinary a thing.

They who called themselves the friends of liberty, while they found themselves busily employed in forging chains, as they imagined, for prerogative, were ingeniously forging chains for themselves. Thus the act which declared the judges independent apparently of the crown, in fact would be found to render them independent of the people, and solely dependent on the king and the servants of the crown. In elucidation of this, he stated, that judges were but men, and subject to mortal passions as other men were. All men were governed by the passions of fear and hope; take away the former, and then only hope would remain; and how could that hope be gratified, but by the favour of the Crown? Before the Revolution, judges stood on one ground, but since the Revolution, on a different one. Before the Revolution, judges took no part in politics, or the debates of that House; now, they were of great weight in every discussion, and occupied so much of the time of the House in every argument, that the Lords could scarcely get an opportunity of speaking. For what they knew, they might have a chief justice at the head of a party in that House, going down reeking with party rage to his court, to preside on a trial for a libel published against himself, written by some political adversary. Could such a man avoid being partial and free from bias? It was not in human nature. But he did not grudge the highest honours of that House to men who had risen from low stations by the continued exercise of legal abilities. It was right that those situations should be open to them, and he was glad to see them among their lordships. Before the Revolution, there had been a pretender to the throne, and a different family laying claim to it; and all that time the king was the greatest republican in his kingdom. That family had died away and become extinct, and we could only expect to see the characters of kings come out, when they had no rival to dread. As far, therefore, as depended on judges, all the mischiefs that had sprung from corruptness of the judges

* See 21 Howell's State Trials, 1037.

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might occur again; we had seen one Jeffries, and we might see another, unless the wise precaution necessary to guard against their occurring, was taken in time by the legislature.

He desired to know what the case was on a general issue, where juries could be stated as incompetent to give a general verdict composed of the law and fact blended together, as must inevitably be the case in all general verdicts. He called upon the judges, not to state him a precedent of such a case because he was pretty sure no such precedent was to be found; but let them frame such a case, and see whether it would bear an argument. He declared, for his own part, he could not frame any case to his mind, in which juries did not appear as fully competent to decide conscientiously upon the law and the fact blended, as the twelve judges, and much more than any four of them. He did not blame lawyers for making a stand against the present bill: it was well worth a struggle on the part of the profession: it was a proud, ambitious profession, desirous of obtaining power over all; and if the noble lord at the head of the King's-bench could overthrow it, as his lordship had studied politics as well as law, he would be lord paramount of England. The proudest of their lordships must bend submissive to his nod.—Before they decided against the bill, however, let them look at what had happened in Rome, as stated in the luminous pages of the ablest historian that ever graced his country, and they would see that the very same conduct pursued by those who meant to abuse power, when they could completely grasp it, was what the judges had at all times pursued. At one time, they appeared to be eager to obtain it; then they let it go; then they affected to be alarmed for fear those to be tried should be injured; and had acted as the learned lord at the head of the King's-bench had done when he stated himself to be, in the former debate, so tender to the subject, that he only wished for the power, in order to protect the subject in cases of trial for libel, from being hastily delivered over to judgment by the ignorance of juries. Thus they were one day all tyranny, the next all humility; but their design all along concealed the same sting, the same arrow lurking at bottom; and no doubt when firmly established, the same would happen as at Rome, for they all knew that Rome never saw a day's liberty afterwards, and, what was worse, not a single family knew an hour's peace. What might not happen, he asked, if the legislature did not prevent it? If God Almighty, in his mercy, were to send among us another Locke, or another Montesquieu, he doubted not but they would be deemed libellers. Let noble lords consider what had happened. He remembered, when in office, having found in the Secretary of State's office, a note that a paper was to be prosecuted for having said that the king had got a cold. And though were such a prosecution instituted now, a jury, he was well aware, would laugh at it; yet it was not altogether so unreasonable at the time, for the pretender was in the country, and in force; it was highly necessary to take care that not even the slightest disrespect should be shown to his majesty.

His lordship then went into some general observations on the bill, which he commended highly for its principle. He was persuaded that justice on trials of libel would be more substantially done, if the law and the fact, in cases where a general verdict was to be given, were left to juries. Let their lordships look back to the Roman history, and they would see, that when the people of Rome had the power to choose plebeian magistrates, they almost always chose patricians. In a large manufactory belonging to a near relation of his, that relation had introduced the trial by jury among his workmen; and he had assured him that the only ill effect was, that the juries were rather too severe in their decisions. A captain of a man of war, likewise, a most respectable character, had done the same on board his ship, and there the effect was stated to be the same. It was clear, therefore, no danger was to be dreaded from it; on the contrary, he was persuaded conviction would be more secure, where the intention was established; and the judge would have fifty times the thanks where he said to a jury, "There, gentlemen, it rests on your hands to do justice to your country."

He regarded the present times, not as times of that alarm that they were generally deemed; and had been surprised at hearing so much said of a little paltry book, a pamphlet by Mr. Paine, which he had read just with as much feeling as he had read some miserable abuse of the same nature, and from the same pen,

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upon himself at the time of the negociation with the Americans, which, if he had been at all irritable, and had not treated it with the most sovereign contempt, might have had some ill effect on the negociations, and broke off the treaty, and kept the peace at a distance. If the late pamphlet of Mr. Paine had been treated with the same neglect and indifference, he was satisfied that it would have sunk into utter contempt by this time. The country had too much good sense to be affected by such trash. There were three distinct classes of people in this country. One, and that a very small one indeed, who wished to attack the constitution itself, and introduce anarchy and confusion; another, made up of those time-serving beings, who followed every administration, and were for patching up every defect by corruption, and plastering it over with venality; and a third, of which he professed himself to be one, consisting of moderate men, who were ready to adopt measures of temperate reform, in order gradually and gently to correct whatever was defective. This latter class he hoped was by far the most numerous of the three; and if men of the moderate class were attended to, he was convinced this country would be quiet, most especially if matters were left to juries. On several late occasions, the country had shown, even to a degree of prejudice that was astonishing, their loyalty to the king, and such was their reverence for that House, that the first thing that shook the credit of the French Revolution in the opinion of this country, was the abolition of titles. He here took occasion to show the necessity of their continuance in this country, and spoke of that House as the least exceptionable and purest aristocracy in existence; since their honours, titles, and privileges, could only descend to the eldest son, who alone had a right of sitting and voting in that House; a degree of democracy was necessarily infused in every noble family throughout the kingdom, and the general interest united and strengthened. He concluded with recommending it to the House, to preserve by all means the present good dispositions of the people by acknowledging their most invaluable right to the possession of all the benefits of a trial by jury, and by an open and unreserved confidence in such an honest people as the people of this country undoubtedly were.

The Earl of *Lauderdale* thought he could collect enough from the answers of the judges to show their lordships that the bill was absolutely necessary. In their answer to the third question he found a more alarming doctrine than he had ever heard. What he was to collect from that answer, was, that in the opinion of the judges, the intention formed no part of the crime. He contended, that the intention was not matter of law but matter of fact, and fit only for the jury to decide on by their oaths, being sworn to decide on evidence, as the judge was sworn to decide on law. With regard to that part of the answer of the judges, in which they talked of scattering firebrands, arrows, and death, every day's experience proved that in cases of murder, where the defendants were idiots, lunatics, or infants, they were allowed to scatter such arrows with impunity, upon its being proved that they had no criminal intention; and, therefore, as it was the law of England that in cases of murder, and in every other case, intention forms a part of the crime, why should it not be so in libellous cases? He quoted the trial of the king against Horne, and the king against Topham, where lord Kenyon had left the intention to the decision of the jury. He said, he must contend for the destruction of that anomaly of the law, which existed in no other case, namely, the custom on trials of libels of calling on a jury for a verdict from premises, which premises had not been suffered to come before them. He took notice of what had been said relative to the law of Scotland, and stated the famous case of a person tried for the murder of a peer; by taking up a stone and throwing it at him, which hit the noble lord in the neck, and occasioned his death, as a clear proof that a Scotch jury judged both the law and the fact; since, after the judge had in the first instance told the jury, that in law, the libel was relevant, and the crime imputed to the panel was murder, the jury acquitted the prisoner, and pronounced a general verdict of not guilty. He analysed the constituent heads of an information for a libel, which he stated to be four; the two first, the writing and publishing, he believed were always considered as matters of fact. The two others, viz. the tendency of the writing charged a libel, and the intention, were deemed matters of law; but he affirmed, that the two latter were as essential for the consideration of the jury, as the two

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former; and that as the practice at present obtained, any man might be brought into court and convicted of having published, where the subject matter had no criminality whatever. He was not a little anxious that the liberty of the press should exist free and unfettered. He was as much a friend to its perfect freedom, as he was hostile to its licentiousness and abuse. The liberty of the press was the best guard against corruption, and therefore it was essential to the preservation of the constitution that it should exist. At present, the judges were men of great wisdom and integrity; but the time might come, when they might be of another description, when, if the construction of all matters of law were left to them, the liberties of the people would be in dangerous custody, and might be ultimately destroyed. He paid Mr. Fox very high compliments as author of the bill, and as a man who, so far from being influenced by any personal motives, never harboured malice in his breast against any individual living.

Lord *Porchester* contended, that the constitution had left to a jury the decision of the question of crime or no crime, and that it was the right of every Englishman to be tried by a jury, and acquitted or found guilty by them. No subtlety of a judge should be suffered to do away that right, and substitute in its stead a trial by the judge. He thought there was a clear necessity of proving the intention of the person charged with a crime, his guilt or innocence depending wholly upon it; and believing as he did, that a jury was competent to decide upon the whole of the case, he declared he should be of opinion, that if it were not law already, it ought to be so made henceforward. With regard to the temper of the times, he feared it, but he thought they ought on that very account to pass the present bill.

The *Lord Chancellor* said, that the question before the House was, whether, after all that had passed, it was necessary that the bill should go forward? It was totally impossible to combat the arguments of the advocates for the bill, without knowing what it was to do. If it was to pass, they ought to show how the law ought to stand. The bill went to enact that no defendant should be found guilty merely on the proof of publication. That, the House would see, was a mere negative proposition. If no new advantages were to be gained by it—if the law was to stand in the same situation that it then did—in that case the argument would come to a very narrow compass. But the judge was to do something more; and what more was he to do? Why, the noble and learned earl who had opened the debate, in a manner that did him infinite honour, said, that the judge ought to declare the law to the jury, and that they should decide both on the question of law and the question of fact. His lordship declared he did not know a principle more opposite to every thing he had learned from the first moment of his coming into the profession to the present day. The great and indispensable rule that he had ever considered as the leading principle in all trials for libel, had been the well known maxim, "ad questionem juris respondent judices, ad questionem facti juratores. He took notice of the manner in which the judges in general had been treated in the course of the debate. He thought they had been treated rather hardly and unfairly, because certain he was, that they had acted in strict conformity to those established rules of law that had governed the courts in the time of their ancestors in an uninterrupted course, from the days of queen Elizabeth to the present hour. Juries had undoubtedly, in certain cases, a power to give a verdict compounded of law and fact, and that was, where they gave a general verdict; in which case it was impossible for a court to know whether they formed their verdict on facts only or not. He had been glad to hear what had been said of special verdicts, because they were undoubtedly the species of verdicts to which juries, under any embarrassment, might resort with safety, as they then returned the facts only, and left it to the judges to find the law upon those facts. The law, according to the maxim he had quoted, fell solely and exclusively within the province of the judge to decide on, and it was impossible for the judge to give the law wrong, with regard to its ultimate operation; because the question was, whether the law of any question could have more certainty from a final resort to such a House as that, than from the decision of a jury, pronounced rashly, and without legal knowledge. In order to prove that the judges always exercised their right to decide upon matters of law, in every case that came before them, and most frequently

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for the advantage of the subject, he instanced a case of a man who was arrested for debt, taken in execution, and who died in prison; his creditor in that case brought an action against his executor, although he had his body: the plea set up was, that he died in execution, having been taken by a *capias ad satisfaciendum*: the jury, however, found a verdict of a contrary nature, it appearing to them that he was not taken by a *capias ad satisfaciendum*; that a *non est inventus* was returned to that writ, and that he was afterwards taken upon an *alias capias*. The court corrected the verdict, on principles of law, and the jury's finding went for nothing.—His lordship took notice of the irony with which lord Lansdown had treated Mr. Justice Buller's observation on the importance of the power of appeals and writs of error, and declared he had always been taught the right of subjecting the decision of one court to the revision and investigation of others, as a matter of infinite importance to the subject. In all special verdicts, the difficulty goes to the judges, and surely it was more safe in their hands than in any others. Speaking of the legal decisions prior to the Revolution, he said, that even in those times, when judges were not independent, the stream of justice ran with remarkable clearness; and he spoke of the education, habits, and profession of judges, as likely to habituate them better to purity, accuracy, and clearness of ideas, than any thing else whatever. If these were not the means of making men pure, he did not know what would. He alluded to earl Stanhope's argument of Friday, which he ridiculed with considerable pleasantry, declaring that he marvelled at the noble earl having the nerves, that would allow him for so many hours together to go on quoting books, precedents, and cases of bills of exceptions, demurrers, &c. of most of which, in point of application and meaning, the noble earl had not a single apprehension. It was an undoubted proof of the goodness of his constitution, and the excellence of his nerves. He would not be so malicious as to remember a joke for two days together, and he freely forgave the noble earl the liberties he had been pleased to take with him, although he had charged him with having misquoted Hale and various other authorities: the noble earl, however, had done him the justice to give him his revenge, by reading the passages in question, whence it was evident to all their lordships, that he had correctly quoted the substance of the cases. After dismissing this retort, he quoted a variety of others in the reign of queen Elizabeth. He detailed the trial of the seven bishops, and the language of judge Holt in Tutchin's case, where one of the judges, hearing Holt say that he presumed his brothers would state their opinion, was going to enter into facts, when Holt interrupted him, and said, "Hold, brother; I desired your opinion on a matter of law; I did not desire you to sum up to the jury for me." His lordship took notice of what the noble marquis had said respecting lord Bath's song, which was written in ridicule of as respectable a judge as ever sat on the bench, viz. lord Hardwicke; and declared, that nothing that could be said to discredit either that noble earl or lord Mansfield, could persuade him that the House had acquired more wisdom, or were more capable to decide upon such a question as the present, on account of the absence of those two noble and learned lords. He remonstrated strenuously against altering any part of the established practice of the law, as likely to lead to the most mischievous consequences. He remarked upon the compliments that had been paid lord Camden, and said, the most unequivocal compliment that could be paid that noble earl, was, his having relinquished the contest that he had maintained with lord Mansfield on the present subject, and appearing to have been convinced, when lord Mansfield had laid a paper on the table, stating the directions which he had given to juries in cases of libels, and desiring, if they were found fault with, that they might be fairly and openly brought under discussion.

Lord *Loughborough* said, that the judges had satisfied him, from their answers to the questions put to them, that a bill ought to be brought in declaratory of the law of libels. The idea of this bill was by no means a new one. As long as he could remember it had been the subject of contest, and its principles had been asserted and maintained with all the force of eloquence and argument, by men of the highest character and most acknowledged abilities, both at the bar and on the bench: he need not enumerate them; it was sufficient to mention Mr. Dunning and Mr. Serjeant Glynn, as two of the former, and the learned lord at the

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head of his majesty's councils, as the leader of the latter. It consequently could not be considered as any innovation introduced by surprise. He could not but consider all the arguments that had been urged against the bill as originating in error. Almost every noble lord who had objected to the bill, had reasoned as if a trial for a libel had always been held at *Nisi Prius*, and consequently by a single judge upon a record sent down by the court. The fact was notoriously otherwise. When a trial for a libel proceeded upon an indictment, the judge was then bound to state the law to the jury, as well as the facts adduced in evidence, and the jury necessarily decided on the combined question of the matter of law and the matter of fact. He reminded their lordships, that the same powers which they thought, from motives of prudence, ought to vest in the judges of the higher courts of justice, must equally vest in individuals of a very different description. At the Old Bailey, an alderman of London was as competent to sit and act as a judge in a commission of oyer and terminer and gaol delivery, as the first of the king's justices in Westminster Hall. Nor was it at the Old Bailey only (whence they could not be removed to any other court) that indictments for libels might be tried, but at Hicks's Hall, or rather the Sessions House in Clerkenwell; and not only in London and Middlesex, but justices of the peace at a quarter sessions in the country, were competent to try libels. Would their lordships therefore think it altogether wise to entrust such large discretionary powers with justices of the peace, as some noble and learned lords now contended ought to be suffered to remain in the hands of the judges?—A libel was said to be a crime. If it were so, it was the judge's duty upon the trial to state what a libel was, and not call for a verdict from the jury first, and say to them, "When I come to pass judgment, you shall then know what sort of a crime it is." The word libel was not of itself definitively the description of any crime whatsoever; it was the more necessary therefore to state it to the jury on the trial: since it was not consistent with common sense to convict a person of a crime where no criminality had been proved. In all his researches he could find but one rule applicable to libels, viz. that to make them an object of prosecution, they must be stated to be seditious, and calumniatory, either with respect to magistrates, or the government of the country, or individuals. In order to make out a case, the tendency and the intention must be proved: it was not enough to prove that the person accused had committed the fact of printing and publishing; it must also be proved that the paper or writing had a tendency to reflect, in a seditious, scandalous, and calumniatory manner on magistrates, the government of the country, or individuals, and that the person publishing it did it with an intention of casting a seditious, scandalous, and calumniatory reproach on magistrates, the government, or individuals.—One absurdity was usually followed by another. He had shown that libels might be tried by justices at a quarter sessions; and it was notorious that most of the special juries in the court of King's-bench in Westminster were justices of the peace; so that the very identical individuals who had sat as judges one day upon a question of libel, might the next be converted into jurymen, and deemed incapable of understanding that matter of law which it had been their duty to dispense the preceding day.—He combated the lord chancellor's statement of the different precedents to which the learned lord had alluded, and stated grounds on which he thought the learned lord had either misconceived or misapplied the cases. He particularly enlarged on the opinions of sir Matthew Hale and chief justice Holt, in respect to the cases of the Seven Bishops, and of Tutchin. He also quoted Mr. Justice Keeling, and the comments made by Holt, and other subsequent commentators, on particular objections of Keeling, and the difficult points of law that had occurred on various occasions in his time. He cited the opinions of baron Fortescue, Mr. Justice Forster, the year-books, and various other of the more modern authorities and reporters, and reprobated the case of Udall, referred to by the lord chancellor, stating it to be an instance of the most scandalous abuse of power in judges that could be adduced.

Lord *Grenville* wished to inform their lordships of the grounds on which the bill had originated, the arguments that chiefly induced him to contend for it strenuously, and the reasons why those arguments appeared to him to be irresistible. A practice had of late obtained for judges, on the trial of questions in cases of libel, to tell juries, that they had nothing to do.

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but to find the facts of printing and publishing, and to leave the whole of the other considerations to them. If this practice had not lately obtained, it had at least drawn the public attention to it more than it had formerly done, and there prevailed a pretty general opinion against it. So convinced was he of its impropriety, that if it could even be proved to him that it was the established law of the land, and that all the precedents, in all times and under all circumstances, ran in one uniform stream in its favour, still he should be of opinion that it ought to be abolished. So convinced was he the practice ought not to exist, that he should strenuously have supported the present bill, had the arguments in its favour been less forcible. The abuses in the practice of the courts which the bill went to correct were so enormous, that the bare statement of them would be sufficient to convince every unprejudiced man, that the bill ought to pass. He insisted that in all crimes the intention was an essential point. In murder, the most flagrant of all criminal cases, it was not only necessary to prove the killing a man but the intention to murder him, to make it murder. So, in cases of libel, a man might write a letter against a magistrate, which might, at first sight, appear to be seditious and scandalous, but which, upon farther investigation, might be found to be no libel, but a letter written with an intention worthy of a good subject. In Stockdale's case, the publication and innuendoes were admitted, but the jury had, nevertheless, given a verdict of not guilty, and must consequently have decided both on the law and the fact. It was the duty of the jury to take into consideration the whole of the premises on which they were to find a verdict of guilty, or not guilty. The constitution must have intended that juries should possess the whole power combined, the twofold consideration of the law and the fact; and seeing the subject in that point of view, he should agree to a bill to declare it to be the law.

The House divided on the question of commitment: Contents, 57; Non-Contents, 32.

Debate on Mr. Whitbread's Motion respecting the Riots at Birmingham.] May 21. A Petition was presented by sir Robert Lawley, on behalf of some Protestant dissenters of Birmingham, trustees of the new meeting-house which had been destroyed in the riots there, and for the destruction of which no compensation could be recovered against the hundred, on account of the register required by the toleration act not being to be found.

The *Speaker* observed, that by the regular course of the proceedings of that House this petition could not be received. It was a private petition, and the day was passed for receiving such petitions. A petition might, however, be presented, praying, that leave be given to present this petition. The House might grant that leave, and then the petition in question would come regularly before them.—The petition was for the present withdrawn.

Mr. *Whitbread* then rose in pursuance of his notice, for the purpose of calling for an inquiry into the late riots in Birmingham. Much discussion, he said, had recently taken place, on the subject of religious toleration; some contending with his right hon. friend (Mr. Fox) for the extirpation of heresy, by the repeal of all those laws, which disgraced our statute book; some contending for the continuance of those laws (although no man had ventured to point out an instance, in which they ought to be carried into effect); others, with toleration on their lips, but persecution in their hearts and conduct, avowing that the repeal of those laws was a thing just and equitable in itself, but that the present was no time for doing it. This cloak would suit all seasons, and fit every wearer. It was a subterfuge to which all apostates from every public principle might at all times resort. But when was this happy moment to appear? When should we begin to practise Christianity on truly Christian principles? Would to God that those statutes had long since been obliterated! Then, he in his conscience believed, that he should not have had to stand forward, as he did that night, in defence of the injured laws of his country, in defence of the violated rights and property of his fellow-subjects. Would to God the motion of his right hon. friend, for the repeal of the penal statutes, had been adopted on a former night! He firmly believed the House would then have taken the best security against the commission of such enormities in future. — But whatever might be the shades of difference in the minds of men on the subject of religious

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toleration, there was a proposition in which every man who heard him must cordially agree, namely, that law existed for the protection of all, as well of those who dissented from, as of those who were attached to, the establishment; that all were her common children; that we were, or ought to be, strong enough to punish transgressors against her mandates; that she was or ought to be, strong enough to repress the encroachments and violence of designing or deluded men. When we read of tumults and persecution, on account of religious differences, in the histories of other countries, we consider such narratives as the greatest reproaches on the annals of the most barbarous times. How much, then, would our indignation be excited, to find that, at the close of the eighteenth century, in the year 1791, "on this tolerant and enlightened country this reproach had come." But he wished it to be understood, that although the property of the dissenters of Birmingham had been destroyed, and their lives endangered, it was not on their behalf that he had come forward on that day; he had not asked their concurrence or approbation. He came forward as the advocate of the dissenters in general—of all the people of England. His object was, to restore the honour of the British name and display the justice of a British parliament. The reason urged by some against the bringing forward of this subject, that it might tend to excite farther tumults, afforded a strong argument in favour of his motion; for if it should be understood that parliament was afraid of taking notice of these disgraceful proceedings, it followed, that magistrates might be culpable, without danger or inquiry; and this principle of impunity must become more settled the more such outrages were repeated. It was the duty of the House to inquire into the conduct of magistrates, instead of encouraging them in a criminal neglect of their duty. An hon. baronet (sir Robert Lawley) had, on a former night, asserted, that the riots at Birmingham were of a political and not a religious nature: he was confident that the contrary was the fact, and he would undertake to prove, from the internal evidence of the thing itself, from the concurrent testimony of persons interested on both sides of the question, and of one who, from situation, and every circumstance, must be acknowledged wholly disinterested on either, that these tumults arose purely from religious differences of opinion, "which cannot be the object of political control, as they respect not man, but God; and challenge all, the governors and the governed, as equal subjects."

It would be necessary shortly to dwell upon the state of the town of Birmingham for some time previous to the unhappy period, to which it would be his duty more particularly to call the attention of the House, and they would find that the storm had been long gathering, and that it was compounded of religious disputes alone. That it had burst on a day set apart for the commemoration of a political event, was no proof of its being of a political nature. From a very early period, so long ago as the year 1715, Birmingham had been witness to the persecution of dissenters; then, indeed, they were acknowledged to be, what they had always shown themselves to be, zealous friends to the constitution of this country, and to the family on the throne. The church at that time warred against the dissenters, because attached to the reigning family. She now allied herself with the crown, in order to overwhelm them. But to come to more recent dates, he believed the origin of the disturbances of July 1791 might be traced to a letter addressed to the chancellor of the exchequer, and published by Dr. Priestley in the year 1787, on the subject of the right hon. gentleman's opposition to a motion, made for the repeal of the corporation and test acts. From the period last alluded to, the clergy of the established church had appeared to make common cause against the dissenters, and had shamefully perverted their ministry from the propagation of the principles of christianity, benevolence, and charity, to disseminating the most unwarrantable charges against the dissenters, and representing them as persons disaffected to the constitution of their country. Sufficient evidence of this was to be found in the sermons of Mr. Madan, Mr. Croft, &c. The latter, in a preface to a sermon preached at St. Philip's church in Birmingham, January 3d, 1790, asserts, that "the charge of republican principles against them, harsh as it may be thought, is well founded." And that it might not be amiss, if the dissenters, "while they are so anxious to do justice to William 3d, would speak with greater reverence of those general benefactors of the world,

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the first preachers of christianity." And in another place, "the right of voting at elections and of sitting in parliament unfortunately (as we think) cannot be taken away from the dissenters. Their gross abuse of these privileges is the best argument that can be brought against additional acts of accommodation. And if the test act does not fully answer the purpose, we must remember that the evils of chicanery and evasion are almost irremediable." These incitements, and others like them, had their natural effects, and produced amongst the common people a spirit of hatred against the dissenters, which, in due time, burst forth with the violence of which the nation had been witness. From the commencement to the conclusion of the tumults, no cry was heard, but that of "Church and King," except that a single person once cried, "No Popery." The French revolution was never mentioned, nor hinted at. Persons of different religious opinions were present at the dinner. The dissenters alone suffered. The house of Mr. Keir, the chairman of the meeting, and a churchman, was never attempted to be demolished; no injury of any kind was offered to his property; the houses of Dr. Priestley, who was not at the dinner, and of Mr. Taylor, who was absent from Birmingham at the time it took place, were both burnt to the ground. Dr. Priestley had declared his opinion, "That the true source of the riots at Birmingham was religious bigotry, and the animosity of the high-church party against the dissenters, and especially against the Presbyterians and Unitarians, and not the commemoration of the French revolution." Mr. Keir had declared his opinion of the origin of these riots to be the same with Dr. Priestley, in his letter of July 20: "Nevertheless these false reports are all the pretences for the late horrible riots; but the event shows that they were only pretences, and that the dissenters were the true object of the fury of the mob, as many of those gentlemen who have suffered from the riots were not present."—All the hand-bills that were put forth, with a view to make impression upon the mob, bore ample testimony to this opinion. [Mr. W. here read several of the said hand-bills.] Add to all this the testimony of Dr. Parr, a person who had uniformly opposed the repeal of the corporation and test acts, who, in a late publication, has this passage: "Such, and such only, has been my connexion with Dr. Priestley. And was it for this, that in a season of deep distress, and dreadful danger, my principles were on a sudden gnawed at by vermin whispers, and worried by brutal reproaches? That my house was marked out for conflagration? That my family were for three days and three nights agitated with consternation and dismay? That my books, which I have long been collecting with indefatigable industry, upon which I have expended more than half the produce of more than twenty years unwearied labour, and which I considered as the pride of my youth, the employment of my riper age, and, perhaps, the best solace of declining life—was it for this, I say, that my very books were exposed to most unexpected, most unmerited destruction? In what age, or in what country, do I live? Whither, as an unoffending citizen, shall I flee for the protection of the laws; and where, as a diligent and a faithful teacher of christianity, where shall I look for its salutary influence, even amongst those who make their boast of being its most zealous defenders? 'O superbiam inauditam! Alios in facinore gloriari, aliis ne dolere quidem impunitè licere.' But the ways of Providence are unsearchable; and among all the anomalies which baffle conjecture, and afflict sensibility, in the moral world, the follies, the ficklenesses, and the passions of man, are the most inexplicable, and the most deplorable. He is a tyrant in defence of liberty—he is a plunderer for the support of law—he is an oppressor for the honour of government. He is a savage in the very bosom of society—he becomes the unrelenting persecutor of his species, for the imaginary glory of his God." And, above all, the sentiment thus expressed by baron Perryn, in his charge to the jury at Warwick—"After having thus stated this law to you, I cannot refrain from expressing my wonder and astonishment, that when all religious persecution had ceased, and toleration was extended to all, that such a period should have been chosen for the commencement of persecution, and for the commission of every species of violence and desolation." An opinion which, from its source, and the occasion upon which it was delivered, must be deemed conclusive.

Having established this position, he should proceed to show that proper steps had not been taken to suppress these

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riots; that they had raged during three successive days, to use the words of the chief justice of the court of Common Pleas, on another occasion, "under the eyes of patient magistrates." He had then in his hand thirty-six affidavits, all agreeing in substance, and all charging upon the magistrates a gross neglect of duty; and some carrying their charges to a much greater extent. Those affidavits had long been under the eyes of his majesty's ministers, and the law officers of the crown; some of them had been delivered to them so long ago as July, 1791; they contained matter of crimination against the magistrates and others, and no steps had been taken in consequence. Upon the face of the matter, ministers themselves appeared highly reprehensible. But on a former night, the attorney-general had attempted to invalidate the testimony contained in the affidavits. He had said, that Mr. Chamberlayne, the solicitor to the treasury, had been sent down, on purpose to take informations relative to the riots, and that the substance of these affidavits ought then to have been taken in the shape of informations. It was true, that Mr. Chamberlayne had been sent down; and it was universally allowed, that he conducted himself on that occasion with the utmost propriety; but had he neglected to tell the attorney-general that it was with his approbation, if not by his advice, that persons who had complaints to make of the conduct of the magistrates had adopted the method now for the first time complained of viz. of taking the evidence against them by way of affidavits, and sending them up to the king's ministers? The learned gentleman had alleged that the evidence they contained was taken *ex parte*. Was not that the case with all evidence given before a grand jury, and with the evidence against the rioters, which had been given in informations before the magistrates? and would not the same objection have been in force against the evidence contained in those affidavits, had it been shaped into information by Mr. Chamberlayne himself when he was on the spot? In their present state, the persons who had sworn to them could not be indicted for perjury; but if a motion were made upon them in the court of King's-bench, the deponents would instantly become amenable to the law, in case they had sworn falsely.

Wr. Whitbread then entered into the history of the riots, taking particular notice of the inflammatory hand-bill, which had made so much noise, and had sometimes been confounded with the advertisement for the dinner, which had appeared some days before, and the circumstances accompanying its first publication; at the same time observing on the following hand-bill under the title of "an Incendiary refuted:"

"A paper having been distributed in the town this morning, evidently calculated to weaken the attachment of the people to the present excellent form of government, and to excite tumults similar to those which have produced the most atrocious murders, anarchy, and distress in a neighbouring kingdom: it is thought proper to apprize the good and peaceable subjects of this place, that every position in that seditious hand-bill is as false and factious as the wretch who composed it. The perfect enjoyment we now experience of every blessing, freedom, and protection a mild government can bestow, is the best refutation of the detestable calumnies of the author of the hand-bill; and whatever the modern republicans may imagine, or the regicidical propounders of the rights of man design, let us convince them, there is enough of loyalty in the majority of the inhabitants of this country, to support and defend their king; and that we are not so destitute of common sense, as not to prefer the order, liberty, happiness, and wealth, which is diffused through every portion of the British empire, to the anarchy, the licentiousness, the poverty, and the misery which now overwhelm the degraded kingdom of France.—Birmingham, Monday, July 11, 1791." Which appeared, he said, in consequence of the first; but so immediately did the second follow it up, that it gave room for suspicion that both were the production of the same author. Besides these facts, which appeared to demand the investigation of the executive Government, the affidavits contained more serious and alarming matter. It appeared, from Mr. Burne's reply to Priestley's appeal, that the magistrates, aware of the possibility of a tumult, had dined in town on that day (July 14th), purposely to keep the peace. The affidavits stated, that about three o'clock, a crowd was assembled round the door of the hotel, as the company were proceeding to dinner; that

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some of the mob hissed, and showed symptoms of tumultuous disposition, but did not proceed to any very great excesses. That the two justices (Dr. Spencer and Mr. Carles) walked arm in arm through the crowd, enjoying their huzzaing, without attempting to disperse them. That the company dined, and dispersed between five and six in the afternoon, without molestation. That, soon after seven, the mob were again assembled before the hotel, and the justices came there; they were proceeding to break the hotel windows, when justice Carles said to them, that "the gentlemen who had dined there had long left it, and desired them to go peaceably home;" but he also assured them, that "the justices would protect them in every thing that was right, and desired them to take care to do nothing that was wrong." Dr. Spencer also made a speech, and both the magistrates joined in the huzzas of the mob, and the cry of "Church and King," taking off their hats, and waving them round their heads. One of the crowd soon after asked, "whether they would not give them leave to shake a little of the powder out of Dr. Priestley's wig." [A laugh in the House.] Mr. Whitbread said, the House sympathised with the magistrates, for they had also laughed at this expression; they did not recollect, that had the hem only of this man's garment been touched on that day, his life was gone. After this joke had been received with three huzzas, one of the magistrates said to the mob, "you are all hearty fellows; if I had it in my power, I would make you all drink," and then they both retired to the inn where they had dined, without attempting to disperse the persons assembled. Some time afterwards, the mob had begun to break the windows of the hotel, and the magistrates again made their appearance. One of them assured the mob, that "the gentlemen were all gone," and actually pulled two or three of them into the House to see that it was so. The same magistrate was here heard to say, "My friends; do not revenge yourselves upon this man; he gets his living by making dinners for gentlemen; if you wish to be revenged upon them, go down to their meetings." Instantly, there was a general cry of, "to the New Meeting," and some of the mob cried out, "to the New Meeting; justice Carles will protect us;" and this in the hearing and presence of the magistrate himself. Others cried out "The justices say we may pull down the meetings, but not hurt any person's property." They proceeded immediately to the New Meeting, and destroyed it, the justices not at all interfering to prevent them. While they were engaged in its destruction, both the magistrates were seen in the streets, at no great distance; and at one time, justice Carles said to a number of persons riotously assembled round them. "Do not do any other mischief than pulling down the meetings, and I will stand your friend, as far as lies in my power." And about this time, after justice Carles had concluded a speech to the mob, with shouting "Church and King for ever," one of them, who stood near to the magistrates, cried out, "Damn it! what is the meaning of Church and King?" To which another replied, "Blast your eyes! to burn all the meetings to be sure." These expressions show the spirit that actuated the persons then assembled, but the magistrates turned away, and took no notice of them; and it cannot be wondered at, that the New Meeting was immediately afterwards in flames. The mob having finished their business, they went next to the *old* meeting, which they also destroyed, in presence of one at least of the magistrates, who, so far from reading the riot act, or making any attempt to quell the tumult, said, "he was very glad they did not attempt to meddle with private property." In this state of confusion was the town, when the magistrates, at a very late hour, thought proper to quit it, and retire to their own houses at some distance, thinking perhaps, that the mob would be satisfied with the demolishing of one or two meetings, and disperse. That however, was not the nature of mobs. The appetite for devastation it was not in the power of man to gorge—

"There best where ravin most prevails,
"To stuff that maw, that vast unhidebound corpse."

The next time that either of the magistrates appeared, was at Dr. Priestley's house. Dr. Spencer was present while the rioters were engaged in the demolition of that House; and instead of reading the riot act, or taking any step to disperse them, he called several of them to him, and made them huzza, and join with him in the shout of "Church and King;" he then said, "you have done very well what

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you have done; don't hurt the house; it does not belong to Dr. Priestley; it belongs to Mr. Lloyd, a Quaker, a gentleman respected by all that know him." One of the mob said, it belonged to squire Taylor; another said, it belonged to somebody else; but several cried out, that "it belonged to the Presbyterians, and it shall come down!" Dr. Spencer then retired, and when he was departing, said, "Take care and do not hurt one another." The mob huzzaed; followed him to the gate that led into the turnpike road, and then returned to the house, which they demolished and burnt. Even so late as Sunday the 17th, when justice Carles was going to meet the soldiers, his post chaise stopped in one of the public streets, that he might inquire the way; and a number of persons having crowded round his carriage, it is stated, that he took off his hat and waving it out of the window, cried "Church and King for ever. My lads, be true to your cause; stick to your cause; be of my determination, to lose the last drop of blood in your body; I'm determined to lose the last drop in mine. Don't leave them Presbyterian dogs a place standing." He then huzzaed, and cried, "Church and King," at the same time he also flourished a drawn sword out of the window of the carriage, shouting "Church and King for ever; down with the Presbyterians!"

Mr. Whitbread said, there was another gentleman who was also strongly criminated in these affidavits; he meant Mr. Brooke, who is stated to be a deputy under sheriff for the county of Warwick. Several gentlemen, it seems were assembled upon the steps of his door (his house being described as situated near the hotel), when the company were going in to the dinner, encouraging the mob to insult them. And one of the gentlemen said aloud, "he would give a guinea to any person who would fetch the first out of the room by the nose, and lead him round the church yard." Another gentleman was heard to say, "that Mr. Brooke would give away a half-hogshead of ale at night." Late in the evening, after the windows of the hotel were broken, it appears, that a numerous party were regularly drawn up before the House of Mr. Brooke; that he came out, and addressed them in a low voice, and "appeared to be giving them something," and then holding his arm up over the heads of the multitude, pointed to Bull street which leads to the New Meeting and immediately there was a cry of "To the New Meeting—to the New Meeting," among those to whom he had before addressed himself, and they run towards the New Meeting; the mob assembled before the hotel also dispersing, and following them. In the course of the evening, he was seen with the magistrates before the hotel huzzaing with the mob, and crying out "Church and King." On the Friday, when the house of Dr. Priestley was in flames, Mr. Brooke, with two other gentlemen, rode up to the house of Mr. Humphreys, before which a number of rioters were assembled, and threatening to destroy it, and addressed them in these words: "My lads, you see your power; my boys, you see that if any attempt is made against the government of this country, you have it in your power to quash it. You have done enough now go home," and immediately after this exhortation, went away, leaving the rioters still assembled before Mr. Humphreys' house. He afterwards addressed the mob at Mr. Ryland's, nearly in the same terms; "Gentlemen," said, he, "I applaud you for what you have done; but stop here; this is private property; though these are the men who wished to overturn the constitution, we have other means of redress," but took no other steps at that time to disperse the mob; and they contrived to gut the house, and afterwards burnt it. These things appeared in affidavits, that were un-contradicted. He did not say that they were all true, but he would say that the executive government had acted in a manner highly reprehensible not to have instituted an inquiry into the facts. He knew he should be told that the inhabitants of Birmingham had voted their thanks to the magistrates for their conduct during the riots. He hoped they were right in this vote of approbation. He should be glad of it, for the honour of England, and for the honour of human nature. But notwithstanding this, when such serious charges were made against men, it was the duty of the executive government to inquire whether they were true; and he thought they were answerable for the delay that had already taken place. All he had stated, he believed, would appear, if any inquiry should be granted; and he called upon every man of any weight in that House to support him in this instance, because he felt it was essential to the character of the British nation. He could produce at the bar of

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that House, other facts, besides those which he had opened, tending to criminate the magistrates of Birmingham. To impress the idea, that a small force at the commencement would have stopped the rage of the mob, he observed, that at the house of one person, which the mob had marked for destruction, three gentlemen had determined to resist; one of them fired a pistol, loaded with powder only; the moment he thus fired, the mob did not stay to inquire whether any person had been wounded, but all immediately fled. The same means would, at any other place, have proved equally efficacious. A recruiting party happened at this very time to be at Birmingham. They were offered for the service of the magistrates to repel the mob, and an officer said that he would lead them on and stop the riot; they were accordingly drawn up, but the magistrates refused their assistance and dismissed them.

It had been asserted, that the dissenters in their address to the king, had virtually declared that they had met with every possible assistance from the magistrates, as well as from the executive government but if the address was consulted, it would be found to speak a different language. It says, "Indeed, Sire, though deeply afflicted by the late riotous devastations, and by the want of energy in the civil power, yet we speak from hearts that are actuated by the love of law, of peace, of order, and good government. Sensible of your majesty's goodness, in the vigorous measures which have been adopted for suppressing the outrages, which a lawless banditti were spreading through this place and its environs, we offer you the warmest tribute of our gratitude, for the happy deliverance we have experienced by the wisdom of the measures planned by your majesty's ministers;" evidently referring only to the speedy succour which had been given, by sending troops, when they had been applied for. And he did not wish to omit that opportunity of doing justice to the vigour, activity, and conduct of captain Polhill, who commanded the first party which arrived: but it was a remarkable circumstance, that till the Friday no troops had been sent for at all, although the magistrates had been repeatedly urged on that point; and he believed, that at last they had come in consequence of a letter written by a private person to lord Hawkesbury, and not of any official requisition. A party of horse arrived on Sunday afternoon, and upon their first appearance the mob vanished. The riots were now at an end; but still the dissenters had cause to complain of the spirit of persecution which raged against them. The passions of the populace had been excited by the most inflamatory publications, and the Dissenters had hoped that government would have done them justice, and prosecuted their authors. It was under this idea that the dissenters had desisted from prosecuting the printers of the newspapers for an infamous paragraph which appeared a few days afterwards, reflecting on those who had attended the celebration of the French revolution, and charging them with high treason. Mr. Whitbread then noticed the difficulties which had been thrown in the way of the sufferers, in their attempts to bring offenders to justice; but particularly the pardons which had been granted to two of the convicts. For extending the royal mercy to one, no reason whatever had been assigned; and it unfortunately happened, that the other was pardoned upon evidence taken in an extrajudicial way, and bearing too great a degree of similarity to the famous case of M'Quirk.

Mr. Whitbread, in order to show that he was calling upon the House to do nothing new in taking cognizance of the misconduct of the magistrates on the present occasion, stated various precedents of cases, in which they had been prosecuted or punished for neglect of duty, in not suppressing riots. He mentioned particularly the address of that House presented in 1715, on the subject of the Staffordshire riots, praying George 1st to give orders that the magistrates should be struck out of the commission of the peace: and he was pleased graciously to comply with their request; the case of a magistrate in Devonshire, against whom sir Dudley Ryder, when attorney-general, had filed an information for not reading the proclamation in the riot act to rioters plundering a wreck; and that of sir Brackley Kennett, in our own time, who was prosecuted for not exerting himself for suppression of the riots in 1780, during his mayoralty; was tried, convicted, and brought up for judgment in the court of King's-bench; but at the recommendation of the lord chief justice Mansfield, his sentence was postponed, and shortly afterwards he died without any having been passed upon him. He took notice of the

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petition for compensation of damages, which had been offered to be presented on that day, which rendered it unnecessary for him, for the present, to say any thing on the subject. He hoped it would meet with due attention from his majesty's ministers. It was highly necessary it should do so; for though the dissenters had recovered 37,000*l.* in the courts of law, yet, if the whole amount of their demands was complied with, they would still be great sufferers.—Upon coming into the House that evening, he had heard, that even since the notice of his present motion, another riot had taken place at Birmingham; and the magistrates had refused to act, or read the proclamation in the riot act. If that were true, the necessity became pressing indeed, upon him to urge the House to take cognizance of their conduct. He then moved,

" That an humble Address be presented to his majesty, humbly praying his majesty to give directions, that there be laid before this House, an account of such information, as has been laid before his majesty's ministers, concerning the conduct of the magistrates of the county of Warwick, as far as the same had any relation to the riots at Birmingham in July 1791, and the trials of the rioters; and also of such measures as have been taken by his majesty's ministers, for the purpose of proceeding according to law against such magistrates as may have appeared to have neglected their duty; and also, that his majesty will be farther pleased to order an account to be laid before this House of any intelligence that may have been received by hir majesty's ministers, relative to such of the authors and instigators of the said riots, as have not already been prosecuted according to law."

Sir *Robert Lawley* said, he had in his hand a paper, signed by many respectable inhabitants of Birmingham, declaring, that seeing that the hon. member had given notice of his motion, they thought it their duty to testify their approbation of the conduct of the magistrates. The motion he conceived to be highly imprudent, and thought that the hon. mover had raked up the embers of a dying flame. He would not assert that it was entirely a political riot, but he was firmly persuaded, that if there had been no political meeting on the 14th of July last, there would have been no riot at Birmingham.

Mr. Secretary *Dundas*, after saying he regarded all mobs with equal abhorrence, whether religious or political, and that if any inquiry was necessary, the consideration of what had produced the riot would be out of the question, and also that, as far as regarded himself personally, he had not the slightest objection to inquiry, proceeded to read the following hand-bills, which, he said, had a great effect on the minds of the people at Birmingham:—

" My Countrymen; The second year of Gallic liberty is nearly expired. At the commencement of the third, on the 14th of this month, it is devoutly to be wished, that every enemy to civil and religious despotism would give his sanction to the majestic common cause, by a public celebration of the anniversary. Remember, that on the 14th of July, the Bastile, that high altar and castle of despotism, fell. Remember the enthusiasm, peculiar to the cause of liberty, with which it was attacked. Remember that generous humanity that taught the oppressed, groaning under the weight of insulted rights, to save the lives of their oppressors! Extinguish the mean prejudices of nations; and let your numbers be collected, and sent as a free-will offering to the National Assembly.—But is it possible to forget that your own parliament is venal? Your minister hypocritical? Your clergy legal oppressors? The reigning family extravagant? The crown of a certain personage becoming every day too weighty for the head that wears it? Too weighty for the people who gave it? Your taxes partial and excessive? Your representation a cruel insult upon the sacred rights of property, religion, and freedom?—But on the 14th of this month, prove to the political sycophants of the day, that you reverence the olive branch; that you will sacrifice to public tranquillity, till the majority shall exclaim—'The peace of slavery is worse than the war of freedom. Of that moment let tyrants beware.' "

The most violent of them, it was true, could not be known, so as to find out its author. Each party had given it to the enemy, but it was clear that as soon as inquiry was set on foot, and a prosecution talked of, a dissenting minister, who had long resided there, disappeared at once, went abroad, and was no more heard of. This was not conclusive evidence, but it was a circumstance carrying with it strong suspicion, and that suspicion to this day had not been removed.—The substance

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of the present motion he took to be founded; 1st, On the steps taken by government to quell the riots; 2ndly, The care taken to discover the rioters; 3rdly, The steps taken to bring them to punishment; 4thly, Lenity shown to those who had been tried; lastly, The reason why ministers did not proceed to try the magistrates. On each of these points he expatiated for some time. On the first, he gave an account of the intelligence received, which he maintained to have been brought to town in the morning of Friday, the riot having commenced only on Thursday afternoon. In this case the earl of Aylesford had conducted himself in a manner highly praise-worthy. He alleged also, that all possible expedition was used to send for troops for the purpose of quelling these riots. The intelligence came to him about ten o'clock in the morning on Friday. Instantly dispatches were sent to Nottingham, 133 miles. From thence to Birmingham the distance was 56 miles. The troops marched immediately, and they arrived at Birmingham about three o'clock in the afternoon, on Sunday. In this part of the business there was certainly no remissness on the part of government, and the riots were pretty well over on Monday.—The next step was the discovering the rioters; and here again government had done all they could. They sent down the solicitor of the treasury, and with him an able counsel, and a very active magistrate. Here he read the instructions given to these gentlemen, all showing that the greatest vigilance was used on the part of government to discover the offenders. He also read a letter from the solicitor of the Treasury, when at Birmingham, giving an account of a conversation he had with Mr. Russell, upon the subject of taking informations against the justices, purporting, that under the circumstances, he had agreed with Mr. Russell that affidavits should be made of the facts thought material against the magistrates, and that they should be sent to the secretary of state. From this letter, he argued, that when the solicitor of the treasury had offered to get any facts, tending to criminate the magistrates, taken in the form of information, the dissenters themselves had declined it, and preferred the less satisfactory way by affidavits.—The next point was the bringing of the rioters to punishment. Twelve of them had been reported to be deserving of trial. They were all tried—the jury acquitted eight of them. It was true that some persons in court doubted the propriety of their verdicts of acquittal. However, the jury resented the imputation. Whether they were right or wrong he could not say. All that he had to maintain was, that their acquittal was not the fault of government. The next point was the lenity shown to those who had been convicted. Four of them stood in that situation. One of these was pardoned upon a principle which always appeared to him to be most just and rational—that of following the report of the judge. In this case the judge had reported favourably, and therefore he was pardoned. But the case of the other was very different. Two days before the time at which the execution was ordered, he received a letter from sir Robert Lawley, stating, that very particular facts had been disclosed with regard to this prisoner, and beseeching that a respite of fourteen days should be sent down to him. There was no time to deliberate; the respite was sent; but with it directions to inform the prisoner not to flatter himself with hopes of mercy, unless it should appear that every syllable that had been urged in his defence was true; in the mean time, directions were given to examine into the facts, and a gentleman went down to cross-examine these witnesses, as if they had been interrogated in court. The result of the evidence was, that this poor fellow was an honest hard-working mechanic; that he was seen in a house that was on fire at the time of the riots; and that he had actually taken up some of the boards of a floor that confined the smoke; and by doing so, had saved the lives of several people who were then in the house, and that he did it with that intent. The gentleman sent down to cross-examine these witnesses had made this report; to which he added, that he verily believed, that if this poor man was executed, an innocent man would suffer. This was not all. He waited until the learned judge who presided at the trial arrived in town, who was then near 300 miles off. When he arrived, he sent that report to him, and requested him to look it over; to compare it with his own notes at the trial, and to give his opinion on the result. The learned judge did so; and afterwards said, that he saw nothing in the report that was inconsistent with any part of the trial; that it was clearly possible; and

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added, that if that had appeared at the trial, it might have been a ground for the jury to have acquitted the prisoner. These were the real terms on which he had advised his majesty to extend his royal mercy to those persons. With respect to government declining to institute prosecutions against the magistrates in question, he observed, that he followed the advice of the attorney-general, who, on the most mature deliberation of the various cases, was not of opinion, that there was a probability of conviction in those cases: and that prosecutions might, perhaps, affect and injure the applications about to be made for pecuniary compensation to those who had sustained losses. He did not expect that these magistrates, in the time of such tumult and danger, should be quite accurate either in their expressions or their conduct; but he was far from being sure that those who heard them, heard correctly enough to exclude all possibility of mistake. However, the truth was, that government, if it had the wish, had not the power to prevent prosecution in these cases; it was always open to every man in the kingdom, either by indictment or information, as he should think fit to bring the matter forward. And if the dissenters were dissatisfied, they might prosecute the magistrates themselves; they were not prevented by the acts of government. He concluded by repeating, that as far as regarded himself personally, he had not a shadow of objection to the proposed inquiry.

Mr. *Windham* said, that the question was, simply, whether the magistrates acted properly; or whether, which he feared was the fact, their conduct had not been influenced by the animosities of the place? There was an essential difference between the cause and the occasion of any event. If it were true, that had no hand bills been published, nor any meeting taken place, disturbances would not have happened, it was equally true, that had no religious difference subsisted, previous to that meeting, and antecedent to the publication of those hand bills, no tumult would have occurred. He complained of the manner in which the dissenters were treated in this country. There was a disposition to run them down by violence, and to shut them out from justice. We should take care that they should not have so many reasons to be dissatisfied.

Mr. *Jenkinson* thought it unnecessary to institute an inquiry, when the ordinary mode of appealing to the laws would afford every redress required. The dissenters themselves might, if they pleased, institute prosecutions against the magistrates, founded on those affidavits. He argued, that those affidavits were not entitled to full credit, because they had been taken before dissenting justices of the peace; and he said that the House ought not to institute an inquiry, when the persons who were supposed to be injured did not desire it, and when no individual had made any complaint to the House.

Mr. *Lambton* said, that without a formal complaint from any set of men, the facts stated in the affidavits were sufficient to call for an inquiry. The House, they were told, must not inquire, for fear of raking up the smothered embers of dissention. Was this an argument to be endured for a moment? And was that House to be told, that abuses actually committed, must be passed over in silence, lest some persons should be provoked to commit fresh ones? To say this, was to avow that the government of the country was too feeble to protect or to punish. It was of little importance to the House whether the pretext for the riots was of a political or religious nature; but it was of great importance to the dissenters, and they felt it to be so. That it was purely religious, the cries of "Church and King," and the conduct of the mob, fully proved. Mr. Keir, a member of the church of England, was chairman of the meeting, assembled on the 14th of July. His property was not touched by the rioters; but the houses of Mr. Taylor, and other gentlemen, who were not at the meeting, and were even averse to it, were destroyed. They were dissenters, and it was evident that not their political, but their religious opinions were looked to upon the occasion. The dissenting clergyman, to whom the inflammatory hand-bill was imputed, on account of his absenting himself from the country, he understood to be absent, because his house had been burned, and he could neither afford to rebuild it, nor sue for the damage he had sustained, and because there was a doubt, in point of law, to whom the house belonged, and a chancery suit must be determined, before it could be ascertained in whose name the action should be brought. Long before the dinner of the 14th of July was thought

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of, the clergy of the established church at Birmingham had preached and printed, in the most unqualified terms, against the dissenters. If the affidavits were true, the conduct of the magistrates had been highly culpable, and in justice to themselves, if innocent, and to the country, if guilty, the charges contained in them ought to be inquired into.

Mr. *Curwen* said, the affidavits laid so strong a ground for inquiry, that he was astonished no steps had been taken upon them by the officers of the Crown. Favourably as he was disposed to think of the learned gentlemen, whose duty it more immediately was to take those steps, he should think it his duty, if nobody else would do it, to make a motion against his majesty's law officers, for having neglected to institute an inquiry. Instead of issuing proclamations to teach the people their duty, it would better become the House to set them a good example, by performing the duty with which they themselves were entrusted, and taking care that persons in high official situations did their duty also.

The *Attorney General* said, the affidavits were not taken in such a way, or with such a careful examination of circumstances, as he thought indispensably necessary; and he declared he would never put a charge on record against magistrates, who were always to be considered as volunteers in the public service, on such evidence; evidence, which was taken *ex parte;* not in the presence of the persons accused, and without any cross-examination of the witnesses. Nothing less would satisfy him, than evidence collected with the same care and precaution that had been employed in taking the informations on which the prosecutions of the rioters had been founded. He recapitulated the advice he had given to the secretary of state, and the steps taken in consequence, by sending down one of the solicitors to the treasury, with proper counsel, to aid the magistrates in taking the informations, and said he would have gone himself, had not the business of his office detained him in town. His next care was, that the trials at Warwick and Worcester should be properly conducted; and to name the counsel who appeared there for the Crown, was to suggest to every gentleman who heard him, the highest ideas of ability and honour. Some verdicts of acquittal had been complained of; but such was his reverence for the decision of a jury, that he always supposed they must have seen something, on which to form their opinion, which he could not see, from the mere perusal of the evidence. It had sometimes happened to him, that when he was in court, he had thought the decision of a jury wrong, but on conversing with some of them on the subject afterwards, he had been convinced that they were right. Mr. Russell, who sent up the affidavits, had been pressed to collect the evidence on the conduct of the magistrates, while the gentlemen sent down by government were at Birmingham, and let informations be regularly taken, but he had declined the business, as imprudent at that moment. His reasons were, that while those very magistrates were assisting in taking informations against the rioters, to take informations against them, before other magistrates, might throw discredit on their proceedings; as it would give rise to a belief that the actual rioters were the ignorant instruments. and entitled to lenity, while the magistrates were the authors of the mischiefs, and the only fit objects of punishment. He had himself also thought it dangerous to bring forward charges against men much esteemed in the country, while the claims of the sufferers for indemnification were depending, because it might have excited such a degree of prejudice and party spirit as would have prevented an impartial trial. If the dissenters wished to make use of the affidavits, they were still at full liberty to do so; they might take upon themselves the prosecution of the magistrates, whenever they thought fit. He felt no anxiety about the motion now made, and only wished to show that all had been done by him, to the best of his judgment, that could be done. He was not of a disposition to ask any man who applied to him for justice, "in what manner do you say your prayers?" and he hoped the hon. gentleman would read and compare the several parts of the affidavits with as much attention as he had done, before he founded any motion of censure upon them.

Mr. *W. Smith* said, that from his personal knowledge of the circumstances, he was prepared to prove that the riots at Birmingham were of a religious, and not of a political, nature. The distinction made by an hon. gentleman between the cause and the occasion of any event, was perfectly just, clear, and applicable; for

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in this case, they were entirely, if not designedly, confounded. The meeting on the 14th of July last had been the occasion of the riot, but the cause was a malignant and persecuting spirit, raised against the dissenters, chiefly since their last application for the repeal of the test laws, and which was only waiting for some occasion to break out into violence. As for the charge which had been made on them, of having excited this furious ill temper by their own writings, its origin was far more easily discoverable in those of their opponents. In proof of this assertion, he would make a few short quotations from two invectives called sermons, preached at St. Philip's in Birmingham. In that of Dr. Croft were the following passages: "It is the firm belief of our clergy, that while their meeting houses are open they are weakening and almost demolishing the whole fabric of Christianity."—"The right of voting at elections, and of sitting in parliament, cannot, unfortunately (as we think) be taken from the dissenters;"—but "it would be desirable to exclude from the British senate all those who are led away by their plausible arguments."—"The future destination of sectaries is left to the searcher of hearts; and it is the duty of the civil magistrate to disable them, if he can, from being mischievous in this world."—"The fabric of our constitution was built on a solid foundation: the dissenters wish to destroy it." Mr. Madan said, that—"The presbyterian principles are unquestionably republican."—"The Socinian doctrine is evidently gaining ground in this place, and certainly those doctrines are no less dangerous to the state, than any of the tenets of popery."—"Their (the dissenters) possession of offices has been proved incompatible with the welfare of the established church and the safety of the civil government. The amount of their reverence for the government has been exactly ascertained by a woeful experience of republican tyranny; and the extent of their loyalty has been exactly delineated with the blood of a king." He would not insult the understanding or liberality of the House, by entering into a refutation of such absurd calumnies, or waste time in exposing ignorance so excessive, and bigotry so contemptible. It certainly was not very wonderful that the inveteracy which could go such lengths to render the objects of its own hatred odious to the vulgar, should be prepared to connive at those excesses which it had contributed to occasion. As for the incendiary hand bill which had been supposed more immediately to have raised the passions of the populace, as it certainly was the work of an anonymous individual, and had been equally reprobated by both parties, it appeared to him of no importance to either side of the question, to ascertain the author. He thought it but right, however, to say, that the bosom friends of the person on whom it had been attempted to fix it, were entirely ignorant of the matter; a presumptive argument against the truth of the imputation, or a proof that the measure, even in his own opinion, was unlikely to meet with their concurrence.—With respect to the motion, he was convinced it was highly proper. The affidavits he knew to contain strong evidence of egregious misconduct in some of the magistrates, nor could he approve the manner in which it had been attempted to invalidate that testimony. An hon. gentleman was totally unfounded in asserting that the depositions had been made before a dissenting justice of the peace, in whom some partiality might be supposed. The gentleman alluded to (Mr. Russell), had exerted himself in discovering and apprehending many of the criminals, and in bringing forward evidence against them; but most of the deponents had been examined by a very respectable barrister, who had gone down to Birmingham with Mr. Smith himself, chiefly for that very purpose. The affidavits were all sworn before a commissioner of the court of King's-bench. He was sure, that if every member of the House had had the opportunity of reading those affidavits, there would have been but one opinion respecting the existence of the evil complained of, viz. a neglect or misconduct so gross as to justify strong suspicions of connivance, and to demand an inquiry into the behaviour of the persons accused. "To the New Meeting, justice Carles will protect us."—"Justice Carles sent us down here"—"Damn me! the justices say we may pull down the meetings, but not hurt any body's property," "the justices will protect us"—These, and expressions similar to these, were perpetually in the mouths of the rioters, and repeated in the hearing of these very justices. It had been attempted, in some measure, to defend them, on the just observation of the hon. mover; that when

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once the appetite of a mob for plunder was excited, it was almost impossible to gorge it; but surely, on this account, they could only be deemed more culpable for not having used the proper, or indeed, any means to crush the first appearances of commotion.—The dissenters had also been charged with unjustifiable delay in this affair, which they might at any time have brought forward; but their conduct he thought perfectly defensible, and easy to be accounted for; and certainly, it did not well become the learned gentleman to attack them on that ground, when he had stated the many good reasons which had induced him to act in the same manner. With the dissenters those motives might be allowed to have at least equal weight. If not in maintaining the honour of the public justice of the country, they might be supposed as deeply interested as the learned gentleman himself, in the issue of the trials depending for the damages they had suffered; and when some verdicts had been given of such a nature as to occasion the suspicions and the well-known remarks of a learned gentleman who had been employed for the prosecution, it surely gave great colour to their apprehensions, that so many obstacles already existed to the course of justice, as to render it imprudent to run the risk of increasing them by any imitation not absolutely necessary. He observed, that the person who had himself published and signed one of the most malicious hand bills circulated on this occasion, and respecting the impropriety of whose behaviour some of the depositions had been made, was the very man by whom the juries were summoned, who were to decide on the guilt of the rioters and the compensation to the sufferers. On the whole, he thought the success of the motion essential to the attainment of justice, and the vindication of the public character, and it therefore should receive his cordial support.

Mr. *Cawthorne* said, it was not to be supposed but that the sheriff of the county had summoned the juries fairly. Dr. Priestley had lived eighteen years unmolested at Birmingham, till in consequence of his admiration of the glorious French revolution, the philosopher was converted into a politician, and spread sedition through the country.

The *Solicitor General* said, he had seen the affidavits, and had no scruple to avow that he entirely coincided with the Attorney-General in opinion, that upon those affidavits, so taken, it would not be prudent to institute a prosecution against the magistrates.

Mr. *D. P. Coke* earnestly wished the motion to be withdrawn, as he thought it might do much harm. The dissenters either did not wish that the magistrates should be prosecuted, or thought that there was no ground for it. This he inferred from his own knowledge that the affidavits had been taken under the inspection of a gentleman at the bar, who was sent down on purpose; and knowing his acknowledged honour, ability, and judgment, he was satisfied that he would have advised a prosecution, if he had thought that one could have been supported by the evidence which had been collected. He stated his full conviction, that government had done all that it was in their power to bring the rioters to punishment.

Mr. *Grey* said:—I have as yet heard no reason, Sir, which should induce my hon. friend to withdraw his motion; so far from it, that it is to me matter of astonishment that so little plausibility has been given by the gentlemen on the other side to the arguments which they have adduced in opposition to his motion. Facts have been stated to the House of a grave and most momentous nature, authenticated by numerous affidavits of credible and respectable witnesses. In the centre of the kingdom, in a time of profound tranquillity, under a government boasting its superior liberality, a riot has suddenly broke out, attended with circumstances singularly atrocious and alarming. On the 14th of July last, a company of gentlemen, professing themselves friends to liberty, met at an hotel in Birmingham, to commemorate the anniversary of the French revolution. After passing some hours in a social and festive manner, they separated, without tumult or disturbance. In the evening of this day, the popular commotions, afterwards attended with effects so dreadful, commenced, by breaking the windows of the hotel. The magistrates being called in early, took no pains to quell the riot so begun. On the contrary, they are charged with encouraging the rioters, and directing their rage to the dissenters, who constituted a large proportion of the company just before departed from the hotel. It is undeniable, that by some means or other the passions of the populace were inflamed to the highest pitch; that the

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cry of "Church and King" became general amongst them, and that their fury was directed solely against those who had distinguished themselves by the avowal, not of their political, but religious opinions. It soon became apparent, that it was not a political but a religious mob, actuated by the most horrid and sanguinary spirit of bigotry and persecution. While Mr. Keir, the chairman of the meeting, and a member of the established church, remained unmolested, the house of Dr. Priestley, who was not present at the meeting, was surrounded by the mob, set on fire, and totally demolished; and scarcely did he himself escape with life. Many other houses belonging to persons known to entertain the same religious sentiments with Dr. Priestley, were set on fire, and destroyed, amidst the acclamations of "Church and King for ever! Down with the Presbyterians!" and the French revolution appeared plainly to have been not the real cause, but merely the occasion or pretext of these horrid devastations. We are now called upon by the motion of my hon. friend, to investigate the conduct of the magistrates in this business; and if it can be clearly proved that there is no foundation for the serious charges against them, their honourable acquittal will give no less pleasure to the advocates than to the opposers of the motion. The right hon. secretary has, it must be owned, been very successful in his defence of those measures against which no accusation has been brought, which are even allowed to have been highly meritorious; but then he has totally failed in his vindication of what alone is considered as culpable. The conduct of the magistrates, and the subsequent connivance and tacit approval of government, so far as it respects that conduct, from the inquiry which the right hon. gentleman, the other night so haughtily demanded, he has now as meanly shrunk from. The learned gentleman, whose professional duty it was to have instituted such a legal inquiry into this dark business as would have superseded the necessity of a parliamentary inquiry, has indeed stated several specific reasons for this neglect; but they are such as, I am persuaded, can never be deemed satisfactory. The learned gentleman tells us, that the law is open to the dissenters, and that they are at liberty, if they apprehend the magistrates to have been deficient in the discharge of their duty, to commence prosecutions against them. Sir, this is not the concern of the dissenters only; it is a matter of public and national import. The honour of government, and the safety of the community, are equally involved in it. The question is, whether all classes of faithful and peaceable subjects are entitled to the equal protection of the law? After the numerous and cruel sufferings of the dissenters at Birmingham, shall we throw upon them the invidious task of singling out delinquents for the purpose of public prosecution? Would this be generous? Would it be equitable? Sir, it does not yet appear what the dissenters of Birmingham may be compelled to resolve upon as to this point; but the solicitor to the Treasury, when attending the examinations at Birmingham, was expressly informed by Mr. Russell, that the dissenters declined taking any part whatever in this matter, till it appeared what the conduct of ministers would be respecting the affidavits. The learned gentleman farther tells us, "that had prosecutions been instituted against the magistrates, while the actions for damages were pending, it might have proved detrimental to the interest of the dissenters themselves." If there be any force in this plea, it shows, in a most striking manner, the general prevalence of that detestable spirit of party rage to which the class of citizens, who now claim the protection of the legislature, stand exposed, and the necessity of extending to them that protection. These trials, however, are now terminated, and consequently this objection is completely obviated. But it is farther alleged, that the affidavits now lying on the table before us, afford not a proper and adequate ground of prosecution, because the evidence contained in them is merely *ex parte*. Sir, is it possible that the learned gentleman can be serious in this objection? Whoever heard before that *ex parte* evidence was not a sufficient ground of legal investigation? Is not this House sitting in the capacity of the great inquest of the nation? and is not the evidence upon which all grand juries find their bills, *ex parte* evidence? We certainly ought not immediately to conclude the magistrates guilty, because heavy charges are adduced against them, in a manner the most positive. But, on the other hand, to pretend that because the evidence is uniformly and consistently hostile to the magistrates, there is no far-

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ther occasion to inquire into the truth of it, is an argument which there can be little occasion to expose or to confute. It is strange, indeed, that such an objection should be made; that government should require, in order to establish the validity of the charges contained in these affidavits, that which would have prevented them from being made at all. In a town where the spirit of party raged with so much virulence, who would have dared to have brought evidence openly to criminate two popular magistrates? With what personal danger would not this have been attended? And if appearing as a witness against one of the rioters has exposed a person almost to every species of injury, and insult, for which these upright magistrates would give him no redress, as appears from the affidavits, what must have been the consequences of appearing against the magistrates themselves?—We have heard, however, from the learned gentleman, another argument, in my opinion, still more extraordinary. It is, that the offences charged in the different affidavits, are of such a nature, that it is impossible to ascertain under what description of crimes they are comprehended —whether felony, or misdemeanor for negligence of duty. Sir, this argument supposes that the offences charged against the magistrates are, at all events, of a very heinous nature; such as the law doubtless has provided against by suitable penalties; and whether they come under one or another legal description, it is not for this House, but for the law officers of the crown, to determine; and if they are incompetent to form this necessary determination, they are incompetent to discharge the regular duties of their office. Lastly, we are told, that if gentlemen, acting voluntarily in the capacity of magistrates, are prosecuted with severity for every incidental neglect of duty, it will deter them altogether from attempting to serve their country in that capacity. Sir, this is an argument to which I am disposed to give its due weight. For trivial and unintentional neglect of duty, great allowance certainly ought to be made in favour of magistrates whose general conduct has been meritorious. But in cases of this magnitude, where not merely neglect, but positive licence to commit every species of outrage, is alleged, it cannot be urged without dangerous absurdity. If the laws made are to be executed at the caprice of individuals, where is that security of person or of property, which is the boast and glory of the British constitution? Those who assume an office voluntarily, are not therefore exempt from all responsibility. With regard to those officers of higher rank, who are more immediately in the appointment of the crown, and connected with the administration of government, are not even slight charges made not only ground of inquiry, but even of removal. And yet, the argument now absurdly used is, that because justices of the peace voluntarily undertook to perform the duties of their respective offices, they are to be considered as sacred, and out of the reach of law; they are to be exempt from all control, and screened from all inquiry. What is this, but to sanction tyranny and establish oppression? Surely, if they take upon them offices, whose avowed end and object it is to administer justice to the people, and so pervert and abuse the powers vested in them, as to become the instruments and agents of oppression, they are guilty of the most aggravated violation of their trust, which demands a signal and condign punishment. It has been said, that the thanks of the inhabitants of Birmingham have been voted to the magistrates, in token of the most unanimous approbation of their conduct! Sir, such is the malignity of the party spirit now prevalent in that town, that very little stress is to be placed upon a testimony so suspicious and equivocal. Sir, a vote of thanks cannot invalidate facts. If it appears, from positive evidence, that the magistrates did not use their power and influence to discourage and repress, but, on the contrary, that they endeavoured, by every means, to inflame and heighten the rage of the populace, and they are afterwards thanked for their conduct, in what an alarming situation does this prove the victims of such bigotry and malignity to be placed! The renewed testimonial, therefore, of the innocence of the magistrates is nothing to the purpose. And as a proof of that party spirit, to which I have just alluded, it has been reported, on such strong presumption as fell little short of proof, that a letter had been written, intended to be sent, in the name of the clergy of Birmingham, before the assizes, to the judges who were to go the last summer circuit, praying them to let the law take its course on such only of the rioters, whose object was plunder;

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but to deal mercifully with the rest, who acted from a pure, though, perhaps, mistaken regard to their church and king. If the authority and energy of government are not to be exerted to protect the innocent and defenceless against the lawless and the profligate, new and worse scenes may be expected to succeed; a spirit of insatiate vengeance may be excited, which will not rest satisfied without the total extirpation of those against whom the demons of persecution and fanaticism shall instigate their mad and blood-thirsty votaries. I do not accuse government of intentionally promoting this ferocious and sanguinary spirit; but I warn them to check, and, if possible, to extinguish it in its first beginnings. Any appearance of remissness in the government at this crisis, and much more, any idea of countenance and secret approval, may be attended with the most fatal consequences. Out of 2,000 rioters, twenty only have been apprehended; out of twenty apprehended, thirteen only have been tried; out of thirteen tried, five have been condemned; out of five condemned, three only have been executed. But these were only wretched instruments in the hands of others; and it is lamentable, that even so many should have suffered, if those who instigated them to mischief are to be permitted to escape. If the affidavits are true, the magistrates themselves were the inciters of the riots; the persons whose duty it was to have checked, were the authors of the mischief. Where is the security which we boast is given to the meanest subject of this country, when the authors of such horrid scenes of tumult and depredation are not only suffered to escape with impunity, but their conduct screened from inquiry, and they even rewarded by the thanks of the town, which had been so disgraced, as for the meritorious discharge of their duty? What a precedent for future magistrates! What a temptation to these to act the same part again! What a cruel insult upon peace, honour, and justice, still to leave unoffending and suffering citizens to the mercy of those who, while employed to protect, are suspected to have injured them so basely! But the affidavits are suspicious, it is said, because they were taken before a dissenting justice of the peace. To this I can safely reply, they were not taken before a dissenting justice, but an attorney, who is a commissioner of the court of King's-bench for taking affidavits. But if, after all, these affidavits are of doubtful credit, the desired inquiry, is the best way to confirm or dissipate these suspicions; and if they turned out to be false, those who had sworn to them might be indicted for perjury. [The Attorney General cried out across the House, "No, no, they cannot."] Mr. Grey continued, it is perfectly immaterial whether they could or not: but if the dissenters should file them in the King's-bench, and move for an information against the magistrates upon them, I understand, that any of the deponents who have sworn falsely might be indicted. The right hon. gentleman had said, that justices could not have inactivity imputed to them, having taken every possible measure to stop the progress of a riot on the next day, which had only broken out the preceding evening, and having sent for troops on the Friday morning. The fact, however, was, that it broke out not so late on the Thursday night, but that a proper degree of activity in the magistrates, who had dined in Birmingham on that day, might have quelled it before morning. And that they sent for the troops on Friday, is a mistake; for the first requisition for them was made by a noble lord, in consequence of a letter sent by a private gentleman, and not by the magistrates officially.—It had been very justly observed by the right hon. secretary, that there was no distinction of mobs; that from whatever motives they acted, whether religious or political, they were equally indefensible. That the mob at Birmingham was of the former denomination, is evident, from the passage which had been cited by his hon. friend, from a late publication of Dr. Parr; and though riots were equally culpable, from whatever cause they originated, yet where religion was the cause, how dreadfully insecure was the situation of those whose opinions invited them. With all its boasted pretensions to liberality, and regard to toleration, where a government made any distinction, and did not hold out the same protection to persons of one religious persuasion that it did to others—where it did not give every possible security to persons thus exposed, it was a persecuting government. It has been said by the right hon. secretary, that the dissenters provoked and incited this riot, by the intemperance of their discourses and their writings. Sir, I do not stand here as the professed advocate of all that has been said and written by the dissenters

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on the subjects of politics, or of religion; but this I will venture to say, that much has been well written by them on these interesting topics—much that has well deserved the attention of this assembly, of the nation, of the world. The dissenters have been repeatedly held up by their enemies, as the enemies of the constitution. But even in the publications of him who has incurred the greatest share of obloquy and abuse, as the most celebrated of their writers, and whose name reflects the highest honour on this country, as the first of its philosophers, even in the writings of Dr. Priestley, I will venture to affirm that nothing can be pointed out in them inimical to the constitution of this country. But whilst we exclaim against the rash and intemperate language of some amongst the dissenters, let us impartially ask ourselves, if no just cause has been given them of discontent, or of resentment? It is well known, that the dissenters have ever distinguished themselves as the zealous advocates of the glorious revolution; that they have been always numbered amongst the most firm and steady adherents of the protestant succession, and of the illustrious House of Hanover, when that succession was supposed, with reason, to be in danger, and at a period when the reigning family did not depend upon the church as its firmest bulwark and support. Conscious of their fidelity and attachment to the government under which they lived, an attachment which the circumstances of the times afforded them frequent and decisive occasions to demonstrate—exercising, under the express sanction of the state, their inherent right of private judgment in religion, they at length applied to the legislature to be restored to the common rights and privileges of citizens, of which they had been so long and so unjustly divested. When this claim was refused, with every circumstance of indignity and insult—when they were branded as the implacable enemies of the state—when they were reproached, notwithstanding their uniformly peaceable demeanor, as seditious and factious hypocrites—when the obsolete tory clamour was revived, that "the church was in danger"—when they were told, that "the extent of their loyalty might be measured by the blood of a king" can we wonder that they should discover the feelings and passions of men? That in the angry collisions of controversy, the voice of reason and moderation should be overborne, and lost?—Are we really solicitors to establish universal and permanent tranquillity and satisfaction? The experience of all ages shows, that the only effectual mode is, to abolish all traces of legal oppression. While the spirit of intolerance predominates in the councils of any country, there will necessarily be discontent, resentment and anger. And it is in vain to expect to obviate the evil consequences of such a system, by adding contumely to oppression, or by attempting to defend injustice by falsehood. Wherever political distinctions and partialities are admitted, without real necessity, there political animosities will be excited. Such is the nature of man; and of this we may rest assured, that equity is the only permanent basis of policy; and till we determine to regulate our conduct by this principle, discord and hatred, in a certain degree, must and will prevail. And the disorders and commotions which we now lament, are the genuine offspring of that mistaken plan of policy, to which we are still, unhappily for our own peace and safety, determined to adhere. In fine, if this House should think proper to reject the present motion, calculated as it is to inculcate and impress the idea of equal protection and favour to all, it will stamp the proceedings of this day with indelible disgrace, and add one more to the numerous instances in which the House has of late sacrificed the interests of its constituents to the novel doctrine of confidence, and injuriously waved the exercise of one of its most valuable and important privileges—the privilege of inquiry.

The House divided:

Tellers.

Yeas	Mr. Whitbread - - - Sir J St. Clair Erskine -	46
Noes	Mr. Steele - - - - Mr. John Smith - - -	189

So it passed in the negative.

Debate in the Commons on the Middlesex Justices Bill.] May 18. On the order of the day for the further consideration of the report of the committee on this bill,

Mr. *Fox* rose briefly to state his objections to the bill. It contained, he said, a dangerous innovation in principle. The police of this country was well administered in the ordinary mode by gentlemen who undertook to discharge the duty

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without deriving any emolument from it, and in the safest way to the freedom of the subject, because those gentlemen being under no particular obligation to the executive power, could have no particular interest in perverting the law to oppression. To appoint a set of justices with salaries from government, and consequently to a certain degree, under influence, was to change the long-established practice, and to introduce a new principle, which might be indefinitely extended under various pretexts, and the effects of which no man could foresee. A sufficient case had not been made out to warrant such a change. It was not even shown that the bill would remedy the abuses alleged as the ground for bringing it in. It contained a clause, enabling these new magistrates to bring persons before them to inquire into their characters and intentions, and commit them to prison on such an inquiry. This was a power pregnant with abuse; and as those who were likely to be the objects of it, the lower classes of the people, had seldom the means of applying for redress against abuse of power, they were entitled to the peculiar protection of the legislature in every law, by which they could be affected. On these grounds, that a sufficient case had not been made out to warrant a departure from the general practice, and that the bill might, perhaps, be a greater evil than that which it was intended to remove, he hoped the House would take farther time to consider of it, and would therefore move, "That the second reading of the amendments be postponed for three months."

Mr. *Windham* said, that the bill was a direct innovation in point of practice, for it was well known that the office of justice was executed all over England gratuitously. The discretionary powers granted to justices of the peace were in many cases exorbitant, and to be endured only in consideration of the persons to whom they were granted. Was it fit, he asked, to grant all these powers, and more, to a new description of magistrates appointed by, and receiving salaries from, the crown?

The House divided on Mr. Fox's motion: Yeas, 37. Noes, 50.

May 23. After the bill had been read a third time,

Mr. *Powys* opposed clause D. He said the clause had originally been no part of the bill, and ought to have been introduced on the authority of a special instruction. The object of the clause was to find out new objects for justice, persons called reputed thieves. What was the definition of a reputed thief? He understood none else but persons detected in the perpetration of some crime, and convicted of the same. It struck him, that the clause introduced a new principle, and put them into a new situation. It appeared to him to be so objectionable, that he should give it his negative.

Mr. *Windham* said, his great objection to the clause was, that it introduced a new principle, and reversed the usual order of things. If they were to punish men, not for acts which they committed, but for those which they intended to commit, it appeared to him, as unnatural as if the hare were to chase the hounds. The clause was calculated to protect the rich. The poor alone were to suffer by it. Should they, then, countenance an attack directed against men who could not defend themselves? Ought they to agree to let a man be sent to prison, merely on the general fact, that such man was thought a thief, and was seen at the door of a public place? The clause, too, was to procure ease to their pleasures, and to guard their entrance to opera and playhouses. It was on that account objectionable. Besides, it referred to another act, and then avoided to name the punishment to be inflicted. The vagrant act was the statute alluded to, a statute sufficiently objectionable on account of the generality of its extent, and the inordinate severity of the punishment it inflicted. According to that act, the persons who should be apprehended under the present clause as reputed thieves, were liable to be whipped and sent to prison. It was true there was an appeal afterwards to the quarter session, and there the person apprehended might indeed be acquitted; but could the punishment he had suffered be undone? Could the whipping be taken off? If a pickpocket deserved severity of punishment, why did they not punish him with death? They all knew why. They knew that men's feelings would not bear such unmerciful and disproportionate punishment. They all knew that picking pockets was but a slight offence, and so the law considered it; and the reason was, that it was easy to guard against it, and the

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loss of a pocket handkerchief no great loss. Another objection to the clause was, that the party apprehending the reputed thief was to depose on oath, that he was deemed a thief. A sort of oath which a man might take, and not know whether he committed perjury or not. That was a class of oaths they ought to be most averse to receiving, as it would be introductory of perjury, and the wearing out the moral obligation of an oath. Nor did he see, how sending a man to prison would make him better. It would prevent him, to be sure, from picking pockets, to send him to the Marshalsea, and so it would to cut off his fingers. He objected to the whole of the bill, and greatly to its principle, but infinitely more to the clause in question, which was, in his opinion, much worse than the whole of the bill put together.

Mr. *Burton* said, he was as adverse to the clause as any gentleman could be, and would not wish it to make a part of the bill, unless the necessity of the case absolutely required it, and milder remedies were not be found. The clause had not been introduced by him, though he had altered it in such a manner as, he had flattered himself, would have prevented it from being obnoxious to the objections that had just been stated. With regard to the objection, that the clause related to an evil that did not require it, he had repeatedly heard complaints of men getting their livelihood by attacking persons in the streets in the day time, as well as by night, that the evil had arrived at so enormous an extent, that it was neither safe to walk through the streets of the metropolis by night or day, and that the property lost annually in this way amounted to 200,000*l*. Knowing that fact, could any man say, that when a bill for the regulation of the police of the metropolis was under the consideration of the legislature, a point so essential to the safety of the persons and property of the subject ought to be neglected? It had been said that these were a species of clauses for the protection of the rich. If the clause was for their protection only, he would not have given himself a moment's trouble about it. Rich men had ample means of protecting themselves by their attendants and servants, by riding in their carriages, and by other preventives. The clause had a larger view. It extended to men of all ranks and descriptions, to those who kept cash at bankers, to bankers themselves, to their clerks, and to all who were interested in the property carried through the streets. Were gentlemen to learn, that merchants, their clerks, tradesmen of almost every description, passed the streets at every hour of the day with considerable property about them in cash or notes, and were beset with gangs of thieves, almost every one of whom were known to the people belonging to the offices of the acting magistrates? Surely such men as those he had described, were entitled to protection. The clause had been objected against, as introducing a new principle. The fact was, it was a very old principle of the common law. So long since as the reign of Edward 1st, about the year 1276, an act passed, called the Statute of Winchester, which gave powers similar to the present, in respect to the apprehending of persons of ill fame. He read an extract from the statute, and from a subsequent one in the reign of Edward 3rd, from the statute of Philip and Mary, from that of king William, from the vagrant act in 17 George 2nd, and from lord Sydney's two acts in the present reign, by one of which persons of suspicious characters having fire arms, cutlasses, and other offensive weapons about them, were liable to be apprehended and sent to gaol, and by the other, persons with pick-lock keys and other instruments of burglary found upon them, were deemed liable to be committed; all of which extracts confirmed his assertion, that the principle of the clause in question was by no means unprecedented. He also quoted the authority of sir Matthew Hale, to show that the same principle was at all times a principle of the common law of England, and that after a man charged with felony had been acquitted, yet if it had been testified that he was a person of ill fame, he should be detained in custody till he found sureties for his good behaviour. It only remained for him to show, that the remedy proposed by the clause was necessary and adequate. In order to prove this, he proceeded to state, that the vagrant act inflicted more severe penalties on persons infinitely more innocent, and less decidedly obnoxious, than those who were the objects of this clause. He went through a comparative statement, and asked, in particular, if strolling players were as offensive to society as pickpockets and thieves? After proving by his comparison, that the digest of the vagrant act,

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was most unjustly handed over to the extremest severity of punishment, he recurred to the objects of the clause, and said, no one was more an offender against society, than he, who lived such a life, that a quiet subject ought to have just terror against that man. Nor was the matter left vaguely for malice to ground itself upon. It must be sworn to, not only that the party apprehended was a person suspected, but a reputed thief, and justice must be done by its being farther proved, that he was a person found in such a place, with an intent to commit a felony. In reply to the objection, that sending a man to prison would not make him better, he said, that to his knowledge, in some places in the country the fact was otherwise. He knew prisons where prisoners were not the worse for having been confined. Many, he was persuaded, of those who lived as thieves, were they put in a way of reform, would amend their lives; and as a proof of it, he related a story of a boy who had known neither father nor mother, but had been of necessity educated as a pickpocket; that boy, being brought before a magistrate, was prudently admonished on his evil course of life, when the lad fairly stated that he was compelled to follow it, having been taught nothing else, but declared his willingness to live by honest industry, if he could be put into the way of doing so. The magistrate approved of his declaration, encouraged the boy to persevere in his good intent, and promised to procure him a birth on board some ship or other. The boy, firm to his purpose, came every day for a considerable time to the office, till a birth was procured him, and he had no doubt, but that he was at this moment a worthy member of society. He therefore thought the clause ought rather to be considered as a preventive against the commission of crimes, than a punishment for criminals, and that as a part of a temporary act, and an act of experiment, it ought to be admitted.

Mr. *Fox* said, that the clause was against every principle of criminal justice and altogether repugnant to the very essence of the law of England. The learned gentleman had said, that the principle of it was not new, and had entered into the recital of several authorities. If he had not come down in time to know the subject of debate, he should have thought the learned gentleman was about to move for the repeal of those sanguinary statutes, and that he was enforcing the propriety of that repeal by a strenuous exertion of his reason, as well as his talents for ridicule. The learned gentleman was pleased to have recourse to the wisdom of antiquity upon this subject, and to adduce the authority of an act of parliament passed in the reign of Edward 1st. Mr. Fox said, he thought that at this day the people of this country knew pretty nearly as well as those who lived in the reign of Edward 1st, the proportion which punishments ought to bear to crimes, and what consideration ought to be given to the liberty of the subject. But it was a libel on the act called the statute of Winchester to compare it to this clause. By that statute persons were taken up upon suspicion, and kept until they were cleared in due course of law, implying thereby, that when they were cleared, they could not be accused again, and that they were afterwards entitled to their freedom. But here they might be taken up on suspicion, and, after they were discharged, taken up again upon the same suspicion, and punished again by the same authority, without a specific act proved against them. Another observation was on the recital of this statute, which was quoted as an authority. If it was now in force, why was it not put into execution? Why enact in another act of parliament, introduced avowedly for another purpose, a principle founded upon a statute now unrepealed? As to the authority of sir Matthew Hale, which the learned gentleman had quoted to prove, that if there was a bad report given of a man, and that supported by evidence, that a person acquitted by a jury should still remain in custody, on the order of the judge, until he should have given bail for his good behaviour; if there was such a law, and there might be such a practice, that might be a considerable additional reason why he (Mr. Fox) should next session make application to that House for leave to bring in a bill to repeal such law, and put an end to such practice as, being a disgrace to England, ought to be repealed. But, he thought that the general principle, and the bent of the practice of the law was otherwise, and that a man when acquitted by a jury was not only entitled to his discharge from the offence with which he was charged, but that in the eye of the law he stood as aloof, even from suspicion, as if he had never been accused; and he must observe also, that suspicion was a princi-

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ple so little known in the law of England, and even in the practice of it, that courts never heard evidence of the badness of a prisoner's character. As to certain sanguinary statutes that were to be found in our laws, he had always been of opinion that to leave them standing in our code was a disgrace to our statute-book—that their inhumanity was manifest, their absurdity ridiculous; and that to attempt to execute some of them would be a daring mockery of common sense, and would rouse the indignation of the public. And should he, then, be told, that these precedents supported the principle of the clause in question, that the introduction of it was no novelty? Why, there was no injustice, inhumanity, cruelty, or infamy that could be said to be quite novel. There was a statute against rogues and vagabonds under the title of notorious rogues and vagabonds in the counties of Cumberland and Northumberland, declaring them felons without benefit of clergy. That question had been debated in that House, and by his exertion, and the very able support of a noble friend of his (lord Porchester), that House had passed a bill for the repeal of that act, being of opinion, that to be a rogue and a vagabond in Cumberland and Northumberland, was no greater offence than in Middlesex or any other county: and that a man should not be hanged for it in one place, while he was only whipped for it in another. However, the peers had greater reverence for antiquity, and more profound discernment with respect to the nature and character of a notorious rogue in Cumberland than the House of Commons, and therefore the bill of repeal was rejected by their lordships. He knew of another act of parliament, by which a man for being companion with gypsies for a month, was declared a felon without benefit of clergy, and it was of equal authority with those quoted by the learned gentleman.—The whole of the question fairly to be argued, was—Are the persons to be affected by this clause, guilty of offence or not? The learned gentleman said they were notoriously known. How notoriously known? Nothing could be known that had not happened. Nothing by law could be said to have happened as a breach of that law that could not be proved. It was on this principle, that every man in England was declared innocent, until he was pronounced by law to be guilty. Had these men committed a felony or not? If they had, bring them to a court of judicature, prove their guilt, and pronounce them guilty. But we cannot prove them guilty!—then, by law, they are innocent. No man should, in a country governed by laws, be permitted to say, I know what I cannot prove; more especially, I will imprison a man for what I know I cannot prove, merely because he is in a situation that will not enable him to procure bail. Nay farther, I will whip him because he is unfortunate and distressed. This was the very essence of injustice, and would disgrace the most odious principles of a despot. There was nothing in the late detested government of France that was so odious—a government so universally abhorred—and should England imitate such a government? Let a man, if you think him guilty, be tried by a jury, and then justice will be done both to him and to the public; but do not let a magistrate supersede a jury—nay more, inflict punishment on a man whom a jury would acquit upon a principle acknowledged in the clause in question; for it was admitted it was to operate on none but those who could not be proved to be guilty.—As to the distinction which the learned gentleman was pleased to make between gentlemen and a class of poor men, he could not bring his mind to approve of it. He should be very sorry to have his pocket picked because he was a gentleman, and that the law would afford him no protection because he was a gentleman. The truth was, and reason, justice, and common sense taught it, the richest man in England should have neither more nor less, but exactly as much protection by the law, as the poorest. All distinction was unknown in the protection and benefit of the law of England; and whenever a clause was brought into any act of parliament to make a distinction between persons, it was an attack upon the best principle in our constitution, namely, that the law is no respecter of persons. Another part of the speech of the learned gentleman, which conveyed an assurance to the House that the prisons in this country were so conducted that the prisoners were improved in their morals, after remaining there for some time, he was glad to hear, and wished the people of this country might be as ready to believe it, as he believed they were at present pretty generally confident of the contrary. The truth was, that this clause was against the fundamental principles of law, against the fundamental

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principles of justice. It was a clause to degrade and disgrace the law of England —to injure, harass, and oppress its subjects—to inflict punishment where there was no guilt — for where none could be proved, none existed by the law of England. The clause had been unfairly and insidiously introduced into the bill; for the bill was opened as a bill to improve the office of justice of the peace in certain parts of the metropolis, and the House gave leave to bring it in under that impression. It might as well be brought in as a clause in a revenue bill as in this. It was a clause that reversed the fundamental principle of the criminal law of England—That innocence must be presumed where guilt cannot be proved.

Mr. *Dundas* said, that the more he investigated the subject, the more he was satisfied of the necessity of the clause, as forcibly tending to the prevention of crimes and the security of the persons and property of his majesty's subjects. He had endeavoured to sift out the truth, and to learn from those most familiar with the object of the clause, whether it were necessary or not. No longer ago than that morning he had seen some of those persons vulgarly called thief-catchers. He had questioned them strictly on the subject. He had asked Macmanus, whether the clause was absolutely necessary or not? and he had told him, decidedly, that it was: and when he again asked him, why he gave that answer? Macmanus had told him, that on Saturday night last he went to a place of rendezvous for men of suspected lives, and he there found fifty-three men sitting together, all of whom were known thieves and pickpockets. He asked Macmanus how he knew them to be pickpockets? When he answered, that he knew them well, that they frequented haunts where persons of that description only came; that he saw them at the doors of all public places, and was perfectly aware that their object in attending such places was, to rob and plunder the unwary. He had added, that if they had the authority of such a clause to act under, he could take these set of persons before the magistrates to be appointed under the bill, and disperse these gangs, who defied day as much as the thieves of old used to court darkness, and endangered the public safety at all hours. Mr. Dundas reminded the House, that rogues reached the gallows by degrees; that they started as pickpockets when they were about 13 or 14; that they became emboldened by habit and practice; that when by picking pockets they were able to buy a horse, they commenced highwaymen; and by an accumulation of crimes, all highly injurious to the public, they arrived at the climax of their fate, and ended their career by the hands of the hangman. He appealed to the House, whether it would not be practical humanity to rescue such wretches from their fate, and by an early prevention of their pursuits, check their evil courses, and afford them an opportunity of being restored to society? Nor was there any thing of an arbitrary nature in criminal cases in the clause. Reputed thieves were not to be sent to prison on the caprice of a constable; it must be proved that they were reputed thieves, and so reputed on substantial grounds. It must be also proved, that they went where they were seen and apprehended for no other purpose but to commit felony; and the magistrate, who could have no interest in acting under a prejudice against the prisoner, was to exercise his judgment on the whole of the case, and to act upon that. If in any case he acted improperly, the impropriety would appear, the authority of the court of King's-bench would intervene, or in failure of that, the House of Commons would naturally be resorted to, and called to exercise its inquisitorial faculties on the subject.

Lord *North* said, he had just heard as able a defence of the most arbitrary principles that were possible to be reduced to practice, as the ingenuity of the most artful advocate could contrive. According to the right hon. gentleman, it was to be understood that it was necessary, for purposes of police, to make over to those two great men, Messrs. Townsend and Macmanus, the same extensive and unrestrained powers, as were vested in the two consuls of Rome formerly, that they should take care, *ne quid detrimenti respublica capiat;* a circumstance to which he, for one, could not but feel some small degree of repugnance.

Mr. *Mainwaring* said, he felt anxious to avow himself the author of the clause complained of and objected against. His learned friends below him had, by their arguments, rendered much that he meant to submit to the House unnecessary. The gentlemen on the other side appeared to have considered the clause too much in the abstract, and not sufficiently to have

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considered the measure as opposed to the mischief. It was well known, that large gangs of the most desperate fellows, who notoriously were thieves, and made no scruple of avowing that they lived by no other means than thieving, infested every street of the metropolis, and put the person and property of every individual passenger in danger every hour of the day and night; and that fact being undeniable, would it be contended that the public had not a right to look up to that House for the adoption of some measure fit to remedy the evil? So far from these reputed thieves concealing the means they lived by, they avowed it without scruple. As a proof that they did so, he stated the case of a gentleman, who had, at no very distant period, upon discovering an attempt to have his watch taken from him, seized the thief, and was conducting him to a magistrate's office. In his way there, some confederates came behind him, and one of them cut him across his forehead, just over his eyes, in so dangerous a way, that his life was despaired of. The thief escaped, and the gentleman recovered. On his applying to a magistrate, and describing the transaction, he was told, "Oh! that was such a man, (naming him); he goes about town with a gardener's knife about him, and generally wounds the person robbed, if he attempts to seize the thief." He was astonished that the people of the office should know who wounded him; but upon two of the persons stating, that they believed the man who had committed the act frequented a particular place, and asking if he would accompany them thither, he consented. They then went to a particular rendezvous, and on entering the room, they saw a number of persons, all known thieves, differently engaged; some at backgammon, some at cards, and some otherwise. As soon as they entered, they all behaved with great civility, and asked the officers who they wanted? On the officers stating the case, one of them said, it was not done by any of their people; perhaps it was done by such a person (naming him), and if so, you will find him at the ———, where those of the gang he acts with meet every day. Nay, so little anxious, were the thieves to disavow their means of livelihood, that the spokesman said, "I knew you could not want me. I think I am out of all danger now; for I have taken to a new line, and am sure I am safe." If such things were going forward, did not the House think, that justice was due to the public, and that they had a right to look for protection? If it was not granted, he desired to know what sort of society it was in which they lived? He appealed to the understandings of all who heard him, whether the clause was not necessary.

The House divided on the clause: Yeas, 114; Noes, 36. The bill was afterwards passed.

Debate in the Commons on the King's Proclamation against Seditious Writings.] May 25. Mr. Secretary Dundas moved the order of the day, for the House to take into consideration the King's Proclamation. Th proclamation was then read, as follows:

"George *R.*

"Whereas divers wicked and seditious writings have been printed, published, and industriously dispersed, tending to excite tumult and disorder, by endeavouring to raise groundless jealousies and discontents in the minds of our faithful and loving subjects, respecting the laws and happy constitution of government, civil and religious, established in this kingdom; and endeavouring to vilify and bring into contempt the wise and wholesome provisions made at the time of the glorious revolution, and since strengthened and confirmed by subsequent laws for the preservation and security of the rights and liberties of our faithful and loving subjects. And whereas divers writings have also been printed, published, and industriously dispersed, recommending the said wicked and seditious publications to the attention of all our faithful and loving subjects. And whereas we have also reason to believe that correspondences have been entered into with sundry persons in foreign parts, with a view to forward the criminal and wicked purposes above mentioned. And whereas, the wealth, happiness, and prosperity of this kingdom do, under Divine Providence, chiefly depend upon a due submission to the laws, a just confidence in the integrity and wisdom of parliament, and a continuance of that zealous attachment to the government and constitution of the kingdom, which has ever prevailed in the minds of the people thereof. And whereas there is nothing which we so earnestly desire as to secure the public peace and prosperity, and to preserve to all our loving subjects the full enjoyment of their

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rights and liberties, both religious and civil. We, therefore, being resolved, as far as in us lies, to repress the wicked and seditious practices aforesaid, and to deter all persons from following so pernicious an example, have thought fit, by the advice of our privy council, to issue this our royal proclamation, solemnly warning all our loving subjects, as they tender their own happiness, and that of their posterity to guard against all such attempts which aim at the subversion of all regular government within this kingdom, and which are inconsistent with the peace and order of society; and earnestly exhorting them at all times, and to the utmost of their power, to avoid and discourage all proceedings, tending to produce riots and tumults; and we do strictly charge and command all our magistrates in and throughout our kingdom of Great Britain, that they do make diligent inquiry in order to discover the authors and printers of such wicked and seditious writings as aforesaid, and all others who shall disperse the same. And we do further charge and command all our sheriffs, justices of the peace, chief magistrates in our cities, boroughs, and corporations, and all other our officers and magistrates throughout our kingdom of Great Britain, that they do, in their several and respective stations, take the most immediate and effectual care to suppress and prevent all riots, tumults, and other disorders, which may be attempted to be raised or made by any person or persons, which on whatever pretext they may be grounded, are not only contrary to the law, but dangerous to the most important interests of this kingdom. And we do further require and command all and every our magistrates aforesaid, that they do, from time to time, transmit to one of our principal secretaries of state, due and full information of such persons as shall be found offending as aforesaid, or in any degree aiding or abetting therein; it being our determination, for the preservation of the peace and happiness of our faithful and loving subjects, to carry the laws vigorously into execution against such offenders as aforesaid.

"Given at our court at the Queen's House, the 21st day of May, 1792 in the 32nd year of our reign."

The Proclamation having been read,

The *Master of the Rolls* rose to call the attention of the House to the proclamation they had just heard. He hoped that whatever differences might exist amongst the members of that House upon some points, they would all agree on this. He trusted they were all actuated by a dutiful and loyal obedience to the king, and a firm resolution to maintain the purity of the law; and that they would use their best endeavours to secure both against the attempts of designing persons to lessen the dignity of the one or degrade and vilify the other. The proclamation said, that divers wicked and seditious writings have been printed, published, and industriously dispersed, tending to excite tumult and disorder, by endeavouring to raise groundless jealousies and discontents in the minds of his majesty's subjects. It might have been expected, perhaps, that such publications would meet with the contempt they merited, and be consigned to oblivion. But sorry he was to observe, that there were in this country not only persons who promoted the circulation of these publications, but that bodies of men were formed, who held forth principles of the most dangerous nature as objects of example and imitation, and endeavoured to call the attention of every individual in this country to what were denominated abuses and grievances, preferring the forms of government in other countries to that under which we had the happiness to live. For this most dangerous and wicked purpose, correspondences were held by persons in this country with those in foreign parts, for the effectual overthrow of this happy state. In such a condition of affairs, he appealed to every man in that House, whether the executive government had not acted wisely in taking the measure they had against the farther progress of such dangerous doctrines. Why were the people of this country to have their attention drawn from the contemplation of the happiness they enjoyed, and visionary theories held out to them, by which all the blessings they now had might be lost, for such was the tendency of many publications, of which the proclamation took notice. Some of them were speciously worded, but they covertly aimed at the destruction of our form of government. They had been circulated with great industry through schools and seminaries of learning, and if they began to make a progress towards the conversion of some young persons, it was high time for government to look into what probably would be the consequence of such

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publications. He did not go too far when he said this, and the House, he believed, would be of the same opinion when he should read to them an extract from one these publications, which was "That all government was tyranny, that all king's were tyrants, and their subjects slaves." This was not indirectly, but directly an attack upon all government whatever. The consequence of such doctrine, if followe l up, would be to put an end to all moral obligation, to produce a dissolution of the tie by which man was bound in civil society. The conduct of every good man should be directed to suppress these attempts. He concluded with moving, "That an humble address be presented to his majesty to assure his majesty, that we have taken into our most serious consideration his majesty's royal proclamation, which has, by his majesty's command, been laid before us; and we beg leave to testify to his majesty our warm and grateful sense of this fresh proof of his majesty's constant solicitude for the welfare and happiness of his people.

"That we cannot see without indignation, the attempts which have been made to weaken in the minds of his majesty's subjects, sentiments of obedience to the laws, and of attachment to the form of government civil and religious so happily established within this realm.

"That the advantages which, under the government of his majesty and his illustrious ancestors, have been derived from legal and well-regulated freedom, and in the unexampled blessings which we actually enjoy, afford to his majesty's subjects peculiar motives to reflect with gratitude on their present situation, and to beware of those delusive theories which are inconsistent with the relations and duties of all civil society; and that we deem it, under the present circumstances, the peculiar duty of every good citizen to discourage and counteract every attempt, direct and indirect, against public order and tranquillity:

"That we are confident that the sentiments which we now express to his majesty are the general sentiments of the nation; that they must feel with us, that real liberty can only exist under the protection of law, and the authority of efficient and regular government: they have seen, by happy experience, that the mixed form of our legislature comprehends and provides for the various interests of the community, through all its several descriptions, and maintains and preserves those gradations of property and condition which furnish the great incentives to useful industry, and are equally essential to the vigour and exertion of every part, and to the stability and welfare of the whole: that they therefore know that the collective strength and prosperity of the empire, its wealth, its credit, and its commerce, as well as the only security for the persons, the property, and the liberties of each individual, are essentially connected with the preservation of the established constitution:

"That, impressed with these opinions, we think it our duty to assure his majesty of our firm determination to support his majesty in the resolution which his majesty has adopted; and that we are fully persuaded, that every exertion which may be necessary will be seconded by the zeal and gratitude of a free and loyal people."

Mr. *Powys* rose to second the motion, and to adopt every sentiment which had been uttered by the learned gentleman, a concurrence for which he believed he had competitors in every quarter of the House.

Mr. *Brandling* thought it his duty to support the address. He called upon every man in the kingdom to say whether we should hazard our present flourishing situation for the sake of giving way to speculative opinions. We should be content with the great blessings which we enjoyed; nay, they were not all ours; we had only a life estate in them, for they were the inheritance of our children. He therefore entreated the House to preserve those blessings.

Mr. *Grey* said, that the address, as far as it was confined to an expression of attachment to the family on the throne, for securing the happiness of the people of this country, and as far as it regarded the support of the constitution, had his entire approbation. But when he considered this address as coupled with other circumstances, he must aver, that to him, at least, there were objections to it in its present form; but which, if by itself, and free from these circumstances, he should not feel. A proclamation had been issued, on which he hardly knew how to express himself; because he could hardly distinguish, whether the sentiment that gave it birth, was more impotent, or more malicious. He imputed no malice, nor

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did he insinuate any thing disrespectful of the throne. All the measures that came from thence, he abstracted from the illustrious personage whose name they bore, and wished to treat them as they really were—the measures of those who advised the sovereign, and who were always responsible for their conduct. If, therefore, he saw in this proclamation any thing reprehensible, it was to them only, that he applied these expressions. It was well known that he stood pledged to a measure which had of late excited a considerable sensation in that House, and had obtained some attention of the public; and as he feared he should not have the countenance of those whose friendship he esteemed, and with whom he concurred in general, he felt himself under the necessity to request the indulgence of the House, while he stated openly and fairly, all he thought and felt upon this occasion. Those with whom he usually had the good fortune to act, and whose connexion he esteemed, but who differed from him in opinion on the present subject, he knew to be men of honour. They were impressed with an apprehension of danger, from bringing forward a motion for a reform in parliament. He thought their apprehensions groundless; but he hoped he might, without offence to them, pursue his measure at the time in which he had given notice he should bring it forward. But here he must be allowed to tell the House, that it was extremely hard that his friends and himself should be placed in a situation which they must feel an uneasy one, being constrained to differ in their expressions to night, because they differed in opinion, and to appear as if their general concurrence of sentiment was at an end. This was an insidious measure, and adopted with no other view than to separate those who had been so long connected. It was a measure contrived by him whose greatest delight was to see discord supersede harmony among those who opposed his measures. If there ever was a man in that House, who delighted more in these sinister practices than the right hon. gentleman, he had never heard of him—he whose whole political life was a tissue of inconsistencies; of assertion and retractation—he who never proposed a measure without intending to delude his hearers; who promised every thing and performed nothing; who never kept his word with the public; who studied all the arts of captivating popularity, without ever intending to deserve it; who was a complete public apostate from the first step of his political life down to the present moment; whose political malignity was now to be crowned by an endeavour to separate the dearest—[Here there was a cry of Order, order, order!—Go on, go on!] When it had subsided, Mr. Grey proceeded. He should repeat, that if there was a man in that House who had a purpose to answer, and whose malignity could be gratified by separating the dearest friends, for the purpose of making it appear that they were inconsistent with themselves, and with a view of showing that all their efforts were the result of faction, and not really arising from a general concurrence of principle, in order that they might be looked on with indifference by the country at large; it was the right hon. gentleman. He whose whole conduct was an uninterrupted series of contemptuous disdain of the dearest rights and privileges of the people, whose uniform practice was calculated to destroy the best privileges of that House, supported by——

Mr. *Yorke* called to order, and said, that the hon. gentleman, by his appearance, looked as if he pointed at him, at the same time he must say he thought him extremely disorderly [Cries of Chair, chair! and Mr. Yorke sat down.]

The *Speaker* said, he did not think there was any irregularity imputable to Mr. Grey; if he had thought there was, he should have been guilty of a breach of his duty if he had not interrupted him.

Mr. *Grey* proceeded. The learned gentleman who had moved the address, had said it belonged to government to take up this subject, and to do all that could be done to suppress the publications to which he alluded. Upon this he must observe, that if these publications were dangerous, there was another mode of proceeding. If writings were published that ought not to have appeared, ministers ought to have prosecuted the authors, printers, and publishers of them. As to any publications that were said to be dangerous, he gave no opinion upon that subject. In a general point of view he thought that there ought to be a perfect liberty for the circulation of all opinions upon public affairs. If there was any thing that involved the public safety, it was the duty of ministers to take notice of it; and it would

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then become a consideration whether it was expedient to prosecute or not. But if they were sure that there was any thing circulated that ought really to be suppressed, and the authors and printers punished, there certainly was a power in their hands by means of which they might put a stop to such proceedings, without having recourse to a proclamation. This could not fail to create a general alarm. Instead of being conducive to the preservation of the peace, it would produce directly the reverse, and nothing but tumult could be expected. What had been the conduct of gentlemen who now saw danger and sedition in certain writings? What had ministers been doing while these publications had been circulating? Upwards of twelve months had elapsed since the publications which were deemed the most dangerous had made their appearance. Either they should have prosecuted sooner, or not at all. He wished to know what the motives could be that brought forward at this time this sudden show of ardour to subdue disorder. Had it always manifested itself in the conduct of ministers? Was there any remarkable activity displayed in preserving order during the riots at Birmingham? Had those who were the sufferers been the offenders, instead of those who were supposed to be the friends of the government, he believed a very different mode would have been adopted to quell the riots, and to punish the rioters. But to return to the seditious writings which were now to be prohibited: their evil tendency, although they had been published twelve months, was but just discovered. They must be suppressed at once; and how? The king's commissioners of the peace were to make diligent inquiry, in order to discover the authors and printers of such seditious writings. In general magistrates were supposed to be men of some character and fortune; here they were turned into informers. A system of espionage was to take place by order of the crown. It was as surprising as it was odious, that such a proclamation should issue from the sovereign of a free people.

As to the charge that had been made against the reformers, that they intended to follow the example of France, it was easily answered. It was true, there existed great grievances in this country; but care had been taken by the gentlemen whose object was a temperate reform, to state expressly that there was a fundamental difference between the condition of England and that of France. Theirs was a constitution that defied reform—ours was a constitution capable of reform, but calling aloud for it—An hon. member had made a great distinction between the situation of this country at the time of the American war, and its situation at the present moment, and in consequence of the comparison, had brought his mind to be clearly against all parliamentary reform, and even against the publishing speculative opinions on the state of our government. But what, in truth, had made the difference between the time of the conclusion of that war and the present period on the subject of reform? Had we any security of the friendship and amity of any foreign powers by what we had lately done? Was there any thing in our late proceedings that made us suppose that the present House was more the organ of the public voice than when that war was terminated? Was the affair of Nootka Sound a proof of this? Had we conciliated Spain by our conduct on that occasion? Was the armament against Russia any extraordinary proof that parliament spoke the genuine sentiments of the people? Did the chancellor of the exchequer imagine that his conduct towards foreign powers had contributed to the making of them all our friends, and that therefore we were entirely out of danger from foreign enmity? Or had the representation which was defective, when the chancellor of the exchequer made a motion to reform it, become pure at once, as soon as he came into power? And was the necessity of it entirely out of the question, while he remained in office? But it seemed, that the proposition for a parliamentary reform was improper, on two grounds. The time and the mode were both objectionable. Now what was the conduct of Mr. William Pitt in the month of May 1782? Perhaps the House would not be displeased to hear:

"Thatched-house Tavern, May 16, 1782. At a numerous and respectable meeting of members of parliament, friendly to a constitutional reformation, and of members of several committees of counties and cities;—present, the duke of Richmond, lord Surrey, lord Mahon, the lord mayor, the hon. William Pitt, the rev. Mr. Wyvill, major Cartwright, Mr. Horne Tooke, &c. &c. Resolved unanimously, 1. That the motion of the hon.

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William Pitt, on the 7th inst. for the appointment of a committee of the House of Commons to inquire into the state of the representation of the people of Great Britain, and to report the same to the House, and also what steps it might be necessary to take, having been defeated by a motion for the order of the day, it is become indispensably necessary that application should be made to parliament, by petitions from the collective body of the people, in their respective districts, requesting a substantial reformation of the Commons House of Parliament. 2. That this meeting, considering that a general application by the collective body of the people to the House of Commons, cannot be made before the close of the present session, is of opinion that the sense of the people should be taken at such times as may be convenient during this summer, in order to lay their several petitions before parliament early in the next session, when their proposals for a parliamentary reformation (without which neither the liberty of the nation can be preserved, nor the permanence of a wise and virtuous administration can be secure) may receive that ample and mature discussion, which so momentous a question demands."

What had the committee for a parliamentary reform now done? Precisely what William Pitt did in the year 1782. So much for the objections against time and mode urged by the chancellor of the exchequer in 1792! His arguments might satisfy himself, but he believed it would not be quite so easy to satisfy the public in this way. They ill accorded with his former professions, or with those of his illustrious father, with whom a parliamentary reform was a darling object. Another of his majesty's ministers, who now felt such horror at any thing like an attempt at alteration (he meant the duke of Richmond) had, in a letter to colonel Sharman, dated the 14th of November, 1783, expressed himself to the following effect:—"For my part, I agree in opinion with those who are for restoring to all parts of the state their just rights; at the same time, to do it generally, not partially, is what I must contend for; at the same time I admit that I am not for restoring the negative of the crown. My reason is, that it appears to me preposterous, that the will of one man should for ever obstruct every regulation which all the rest of the nation may think necessary. I object to it, as I would to any other prerogative of the crown, or privilege of the lords or people, that is not founded on reason." Now, could there be any thing more extraordinary than the opposition of ministers to the present desire for reformation? Why was there such horror expressed at associations? What was their public declaration upon this subject? Was it not a bond and pledge, from which, as men of honour, they could not depart? or, if they did, how could they expect credit from the public? And when their credit with the public was at an end, there would be an end also of their danger, if any such were apprehended. And yet, under all these circumstances, it was deemed fit to issue a proclamation to warn the public against the conduct of men with such honourable intentions. Indeed it was quite ridiculous to endeavour to conceal the chief cause of this famous proclamation. He knew it to be for the purpose of bringing a jealousy and suspicion into the minds of the people, as to the intentions of this society. It was a society which had given a bond to the people which they could not depart from, and this to remove all doubt of their intention. There was not one man of honour in the kingdom, who knew any thing of them, who was not satisfied they were in reality what they called themselves, "The Friends of the People." He must therefore maintain, that this proclamation, and the manner in which it was now followed up, was a malicious proceeding. First, it defamed the association, and held up a number of respectable men to the odium of the public, and charged them with intentions which they had plainly disavowed, of endeavouring to change the form of government in this country; and now the House of Commons were called upon to concur in that slander, without allowing these gentlemen to express their sentiments upon the subject, or obtain the opinion of the people on it. Secondly, it was malicious; because it was brought forward, to show that those, who usually act together on all other occasions, differed upon this, for the purpose of conveying to the public that they were disunited. Thirdly, it was brought forward by way of taking a chance that this difference in one instance, might make a difference in every instance between those who had so long and so cordially united upon principle. But he trusted the people would

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have too much good sense to be imposed upon by the two first; and he was sure there was too well-founded an attachment between the parties to make the other of any avail. As to the part he had taken, he was ready to answer for it whenever he should be called upon; and whether he should differ from, or agree with, most of those with whom he had the pleasure to act, he should always entertain the same sentiments of esteem for them. Still more particularly must he acknowledge the friendship and favour he had received from one of them in particular—a man whom he had too much affection for to flatter—a man whom he could never forget for a moment, nor the honour he derived from his acquaintance—" Dum memor ipse mei." A man who, although placed in a situation exceedingly delicate, between friends of a different opinion, and for whom he had an equal degree of affection, yet, even here, had manifested an elevation of soul, a dignity of deportment, a nobility of principle, a consistency of conduct, that cast a lustre on his unrivalled talents, and ornamented his virtues. He should now move an amendment to this Address, by leaving out from the words, " That an humble address be presented to his majesty," to the end of the question, in order to insert these words: " To thank him for the gracious communication which he has been pleased to make to this House of his royal proclamation:

" To assure his majesty that his faithful Commons will be at all times ready to manifest their attachment to his majesty's royal family and person, and to the constitution of this country as established at the time of the glorious revolution, by openly resisting, to the utmost of their power and ability, wherever they may appear, any attempts which aim at the subversion of all regular government within this kingdom, and which are inconsistent with the peace and order of society:

" To assure his majesty that his faithful Commons most cordially participate in the gracious sentiments expressed by his majesty, and that there is nothing they so earnestly desire, as to secure the public peace and prosperity, and to preserve to a loyal people, the full enjoyment of their rights, both religious and civil: that they are confident this benevolent desire cannot be defeated, when they consider his majesty's paternal care and regard for his people, and the fixed attachment which his majesty's faithful subjects bear to the happy form of our government, and the genuine principles of the constitution: these his majesty's faithful Commons cherish as objects of just affection, not from any implicit reverence or habitual superstition, but as institutions best calculated to secure the blessings of liberty and order, and because they are convinced that on them the wealth, happiness, and prosperity of this kingdom do, under divine providence, chiefly depend:

" Humbly to represent to his majesty, that if any wicked and seditious writings have been printed, published, and industriously dispersed, tending to excite tumult and disorder, by endeavouring to raise groundless jealousies and discontents in the minds of his majesty's faithful and loving subjects, respecting the laws and happy constitution of government, civil and religious, established in this kingdom, and endeavouring to villify and bring into contempt the wise and wholesome provisions made at the time of the glorious revolution, that his majesty's faithful Commons, at the same time that they cannot help expressing their strongest disapprobation of all such proceedings, humbly conceive that his majesty's government is already vested with sufficient powers to punish any open violation of the law; and that if any writings, which his majesty's ministers consider as proper objects of prosecution, have for any length of time been published and circulated with impunity, the said ministers have been guilty of a criminal neglect, in not sooner taking such measures as were necessary for the purpose of bringing to punishment the authors of such publications:

" Further, to represent to his majesty, that if on this ground alone his majesty has been advised to issue his royal proclamation, his majesty's faithful commons, with the firmest confidence in his majesty's gracious and benevolent intentions, feel themselves in duty bound to express their regret that his majesty should have been induced to take a measure, which, under such circumstances, they cannot but regard as unnecessary, and which may produce the effect of exciting groundless jealousies and alarms in the minds of his majesty's faithful and loving people:

" To assure his majesty that his faithful Commons are always ready zealously to

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concur with his majesty in such measures as may be found most effectual for the suppression of all riots, tumults, or other disorders, on whatever pretence they may be grounded, as well as to use all legal means for the prevention of similar disorders in future:

"To express to his majesty the deep regret which his faithful Commons felt at the tumults and disorders which took place at Birmingham in the course of the last summer, to the disgrace of all good government, the utter subversion of law, and the destruction of the security and property of many of his majesty's most faithful subjects: humbly to suggest to his majesty, as the best and surest means of averting the calamities inseparable from such disorders in future, and of discouraging and suppressing the lawless violence which gave occasion to them, the expediency of proceeding with all the severity of the law against such persons as may have been instrumental in aiding and abetting the said riots, who have not already been punished; and particularly to express their earnest wish that speedy measures may be taken for the prosecution and punishment of such magistrates, as upon the aforesaid melancholy occasion, may appear to have been guilty of gross and criminal neglect in the discharge of their duty:

"These sentiments, dictated by an unfeigned love for his majesty's royal person and illustrious House, an anxious regard for the peace and happiness of the country, and a steady and zealous attachment to the true principles of our happy constitution of government both in church and state, his majesty's faithful Commons have thought it their duty to lay at the foot of the throne, humbly hoping that his majesty may be induced to take them into his most gracious consideration, as the sentiments of men who have no interest but to preserve that freedom which is the birthright of all Englishmen, and who look to no means of doing so, but in the maintenance of good order, and a steady adherence and dutiful submission to the laws."

Mr. *Martin* said, the general calumny against the Association, on account of their character, was much too contemptible to merit notice; but principles were imputed to them, which, if not refuted, a part of the public might be under a delusion. He said, he had been bred up in Whig principles. He begged to call himself a constitutional Whig; and he would state what he meant to define by the term of constitutional Whig—It was entertaining an attachment to the constitution of the country, watching its abuses, correcting its defects, and preserving a just balance between the three estates. With respect to his religious tenets, he was a Unitarian. Instead of worshipping saints, he adored one God. If his opinions were wrong, he erred with Mr. Locke, with Dr. Clarke, with sir Isaac Newton, and other men of serious judgment, and solid understanding. With respect to the proclamation, no one could be more anxious to preserve the peace of the public, and the good order of society, than he was; but when gentlemen talked so much of the excellence of the constitution, it behoved them to look to that constitution, and see whether there were not abuses of it; and whether those who spoke so much in praise of it, did not profit by those abuses. He wished to observe, that a vast deal of money was annually paid to persons for doing very little, and a vast deal to people for doing nothing at all. With respect to the societies which had been alluded to, for private reasons, he had not been a member of them for some time past. The minister was pleased to say that there existed no actual grievance in this country. He believed the people could not be easily prevailed on to believe this. He had frequently sat on election committees; and the scenes of bribery and corruption, and other infamous practices in that case only, were enough to call for a parliamentary reform. No man was a greater friend to peace and order than he was; but considering the proclamation and address as calumniatory of respectable characters, he should vote for the amendment that had been moved.

Sir *E. Knatchbull* supported the address, in doing which he believed he spoke the sentiments of the country, and was sure they were the sentiments of his constituents.

Mr. *Gregor* approved highly of the address, and considered the proclamation as a measure absolutely necessary. Holding that opinion, he thought thanks were due to ministers for bringing it forward; and he was determined, as a magistrate himself, to the utmost to enforce the instructions it contained.

Mr. *Curwen* said, he had the honour to be a member of the Association which

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had occasioned so much conversation of late, and he defied any one to arraign the motives, or the characters of the gentlemen who composed it. They acted from a conviction, that there was an absolute necessity for a reform in the representation of the people, and their endeavours to bring it about had been conducted in the most moderate and wise manner. He expected to have been called upon by some irresistible argument to approve of the proclamation and address; upon that head, however, he was perfectly at ease, for no one point had been stated that led him to change his opinion on the subject. He considered himself, and those who thought as he did, to possess as much true loyalty and love for their country as any set of men, and therefore they were not to be compelled to support the doctrines of those who were apostates from loyalty, and every principle that they had pledged themselves to. A moderate and well-timed reform was all the people wanted, and this they were entitled to. Those who were friends to the people did not argue for any visionary or extravagant system, far less would they countenance any attempt to subvert the constitution. It was not from Paine's writings that their judgment was formed; on the contrary, they had taken every possible means to show their disapprobation of such publications. But need they go farther than our own statute book to show the necessity of reform? Were there not acts to be found, some of which had been lately fully and ably discussed, that disgraced the country? And if they only referred to the journals of the House, and saw it there asserted that seats in it were bought and sold, and this assertion had never been contradicted, was there not sufficient cause for reform? He reprobated the recommendation given to magistrates and justices to become spies and informers, and their having it in their power, from caprice, or any other base motive, to oppress and subject to punishment innocent men. He remembered another proclamation, issued at the dark hour of midnight from St. James's, against blasphemy, profaneness, vice, and immorality, which was circulated and read in all the churches in the kingdom. The consequence was, that in many distant parts poor people were severely punished under the sanction of that proclamation for trivial offences, in comparison with those which were constantly practised in the neighbourhood of St. James's, and in every part of the metropolis, with impunity. He asked whether a stronger instance could be given of a necessity for reform, than the business of the Russian war, when that House had voted by great majorities what was directly opposite to the sense of the people?

Lord *North* said, that disagreeable as it was for him at any time to differ from persons with whom he was constantly not only in the habit of thinking and acting, but for whom collectively and individually he had the highest regard and friendship, yet his uneasiness was much removed by the temperate manner in which his hon. friend had brought forward his amendment. He approved of the proclamation and address, because he thought there had been a line of conduct followed in the country, for some time back, which required the immediate interference of government. As to the proclamation, if no cause for it existed, it certainly would be improper; but when men associated, and avowed principles and opinions, subversive of all good government, he thought it was time for the legislature to prevent the dissemination of doctrines, that, if not checked in time might annihilate the constitution.

Mr. *Baker* recurred to the minister's opinions in favour of a reform in parliament some years ago, and could not easily reconcile the difference in opinion now. He paid many compliments to Mr. Grey, who belonged to the same Association to which he did, and the object of which had his concurrence, though his sentiments might not, perhaps, carry him so great a length as other members of it. With regard to the publications so frequently alluded to, nobody held them in greater detestation than he did; at the same time he thought contempt was what they merited most. But as far as they were punishable, why not punish them? Were our laws nugatory or defective? Or was there no energy in our government? The proclamation was a step unusual and new. He owned there might be occasions when it would have been proper, but they had very seldom occurred, and it was worth while to consider what injury might be done to individuals under the sanction of a proclamation, which gave such instructions to magistrates. He concluded by stating his opinion to be firm and steady for a temperate reform.

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The Marquis of *Titchfield* approved of the proclamation. He said, that the maintenance of tranquillity and good order in the country was certainly one of the chief blessings of the British constitution. To suppress, therefore, every attempt to disturb that tranquillity or subvert that good order was truly laudable, and, considering that to be the object of the proclamation, he would give his hearty assent to the address.

Mr. *Courtenay* was extremely happy that he was not implicated in the guilt adverted to in the proclamation. He lamented, however, that while he was exculpated, his majesty's ministers had been censured. He said, it was obvious the proclamation alluded to Mr. Paine, who had more than a year ago published his sentiments, without the least notice from administration. In consequence of this supineness, the author of the Rights of Man had disseminated his nostrums, which it seemed were swallowed by the public, though not digested by his majesty's ministers. The proclamation would, undoubtedly, have one good effect; it would raise, in support of the constitution, an army of spies, that would at all times be armed in its defence. It was a great consolation to say, that no man dare mention a rotten borough, who was not liable to be arrested by the justices, and transmitted to his majesty's ministers; but how these nefarious wretches were to be disposed of after, was a question that rested entirely with administration. He said, that on a former occasion he had the honour of supporting Mr. Pitt on the question of a parliamentary reform. He was convinced of the right hon. gentleman's gratitude, and he was convinced that, in return for such kindness, he would support him that night, by voting for the amendment. This was peculiarly desirable, as he was sure that the accommodating disposition of Mr. Dundas, whose attention to the minister was invariable, would induce him to be of the party. For that gentleman resembled an officer who paraded the streets of Edinburgh at night with a large cloak, vociferating at the corner of every alley, "Wha wants me."—He wished the proclamation had appeared during the Birmingham riots. The king was the head of the church, and enjoyed as much piety and as much patronage as the pope. He thought it would not have disgraced the sovereign to have preached at that time morality to his flock, and to have exhorted them to "love one another." Dr. Madan certainly preached the reverse of this doctrine; but it would not be moreover disgraceful for his majesty to dissent from the doctor, who was now a bishop. [A cry of, No, no.] Well if he is not a bishop, it is certain, from his principles, that he has been long since qualified for a mitre.—If the dissenters had been a sycophantic tribe, he had no doubt but ministers would have expatiated most pathetically on the recent conflagrations at Birmingham. He mentioned Dr. Priestley as a philosopher, and a man to whom this country and the world owed much. From this he came to notice those penal statutes lately discussed, which while unrepealed, remained a disgrace to the nation. The many strong arguments, then adduced could not persuade the House to repeal them on a former night. And yet what a number of them would start back the moment he talked of a reform in parliament. The moment you pretend to touch a rotten borough, you naturally alarm those who, perhaps, can send into that House five or six members, with labels in their mouths, just to pronounce aye and no as they were required. It had been made a matter of complaint, that twenty-eight peers had been made in the reign of George 1st, which, it was argued, would destroy the balance of power in the other branches of the constitution. What, then, must be the consequence of increasing their numbers, as the chancellor of the exchequer had done, who had created three times as many? The proclamation was fraught with mischief, since it tended to spread alarm amongst the people, where none was necessary. The right hon. gentleman thought it necessary to excite riots in order to preserve the peace. He might as well take cantharides in order to preserve his chastity.

Mr. *Anstruther* contended for the address, and was against the amendment. He gave it as his opinion, that when Mr. Paine's first pamphlet appeared, it was not then the proper time to prosecute. When he saw that pamphlet, he had not thought there were people weak and wicked enough to propagate the principles it contained. Had there not been societies formed, who avowed their levelling principles, and called for foreign aid, to enable them to obtain their end?

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When he saw such societies publicly avowing their principles, and printing their correspondence, it was impossible not to feel alarm. He thought ministers had done themselves honour by the proclamation. It was by such a measure only that a stop could be put to the dangers that threatened us. With regard to reform of parliament, he did not deem the present the fit time to consider the propriety of such a measure. He did not think a reform could answer any good end, or was at all necessary. The proclamation did not appear to him to point to the Association. From the description of people to whom it did point, he declared he expected a considerable degree of danger. For these reasons he was determined to support and maintain the constitution as it was, and should vote for the original Address.

Mr. *Drake* said, he had been disgusted with the buffoonery he had heard from one hon. gentleman, who had held the most unparliamentary language he ever heard; but his wounded feelings were quieted and cured, by the admirable antidote he had just heard, in the speech of the learned gentleman, to every word of which he begged leave to subscribe. Thanks! immortal thanks! to the learned member, for the manliness of his declarations. He gloried in the sentiments which that learned member had expressed, and should be proud to join him in battle array, to overthrow the enemies of our glorious constitution. He would fight for that wonderful fabric to the last drop of his blood He rejoiced that there were two such immortal men in the kingdom as a Cavendish and a Portland—men noble, but honourable in private life, and patriotic in public. If safety, in times of danger, could any where be expected, it was from such men. He never would join with those who endeavoured to excite disaffection to government, without cause or provocation. He had rather die a loyalist than live a republican.

The Earl of *Wycombe* disapproved of the address, because it was calculated to give importance to those very publications which it was intended to punish. He was a friend to the constitution, but he detested the hypocrisy that seemed apparent in ministers in bringing forward a proclamation in this unusual manner for sinister purposes, under the mask of attachment to the constitution. He was likewise a firm friend to moderate reform, because he thought it absolutely necessary, and was not one of those who thought the constitution could only be perpetuated, by perpetuating its deformities, in which light he certainly considered the rotten part of the representation of the people.

Lord *John Russell* had the honour of being a member of the Association, and cordially approved of every thing they had done or written. He disapproved of the proclamation, because it tended to create in the minds of the people groundless alarms; and by deceiving them, might produce bad consequences.

Mr. *Adam* said, he had considered the subject with the utmost attention in his power, and the result was, that he differed from some of his friends in the conclusion he drew, from others, in the reasons which led to that conclusion. The opinion he had formed respecting the proclamation, did not result from its having any connection with the subject of parliamentary reform. But although the subject of parliamentary reform made no ingredient in the reasoning which led to the conclusions which he had come to on the subject before the House, he thought it necessary to express his opinion upon it very decidedly. He said, that his opinion had been, and still remained, the same with that of a noble person (the earl of Guildford), with whom it had long been his pride and honour to live in the strictest friendship. That he was influenced to form this opinion, from a full consideration of the constitution of parliament on the one hand, and the effects of that constitution, on the other. That if the whole aggregate of what constituted the freedom of parliament, on the one hand, and the influence over parliament, on the other, were taken into consideration, he would pledge himself to prove, that there had been a progressive improvement in favour of the freedom of parliament, from the revolution to the present time. That he could not, therefore, but agree with Dr. Paley, who said, that the objection to the representation of the people, was an objection which appeared strongest at first sight; and the more it was examined, the more it diminished in strength and importance. He said, that under the constitution as it now stood, we had long enjoyed a greater share of political as well as civil freedom, than human experience could furnish an instance of, in any former age or country. That under these blessings, there had been a rapid and perpetual

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increase of wealth and improvement in every thing that could render civilized life happy. That such blessings were not to be rashly endangered for an experiment, especially when it was recollected upon what it was that this experiment was to operate. It was not upon body or matter, where the experiment could be the subject of precise mathematical calculation, but upon the mind of man, which fluctuates and varies, and where the precise effect upon a change can neither be foreseen nor computed. He said, he would rather have the present constitution, with all its imperfections on its head, than hazard a change; because, while the practical good was actually felt the ideal defect was a mere speculation.—He came next to the question immediately before the House.—He said, he had considered the subject with all the attention in his power, and could find nothing to create alarm. He asked what strange, unheard of calamity had occurred, to alter that prosperity which had been so recently expressed in such glowing colours? It seemed to him a libel upon the good sense and integrity of the nation, to suppose them anxious for innovation and confusion, at a time when their happiness was universally allowed to be so complete and perfect.—He said there were two causes stated for the danger, and as justifying the proclamation. The one was, the events in France; the other, the doctrines contained in certain publications. As to the first, if the doctrines arising from French affairs produced alarm, that alarm was more than counteracted by the antidote contained in the situation and condition of France, With regard to the writings, he could not conceive that they could have any effect upon a people so attached to their constitution. He had well considered the subject of constitutional publication, and was by no means prepared to say that books upon the science of government, though recommending a system different from our own, were fit objects of persecution; if he was, he must condemn Harrington for his Oceana, sir Thomas More for his Eutopia, and Hume for his idea of a perfect Commonwealth. But the publication of Mr. Paine was very different; it reviled what was most sacred in the constitution, destroyed every principle of subordination, and established nothing in their room. As this book had been published eighteen months ago, was it not in the power of the executive government to have prosecuted it? And now that the powers of juries were soon to be confirmed, to the eternal honour of his right hon. friend (Mr. Fox) was it possible, combining the time and mode of the publication with the matter, that twelve men, upon their oaths, judging of intention, would not find such a writer guilty? Instead of considering the proclamation as a wise measure to repress, he could not help viewing it as an advertisement to revive, curiosity, about a book which had been either reprobated or forgotten. Under these impressions, he had no difficulty in adopting the amendment of his hon. friend, in preference to the Address.

Mr. *Francis* said, that he should think himself little worthy of a seat in that House, or of any honourable station in society, if, on an occasion so important, he were not to deliver his opinion without reserve. He meant to confine himself strictly to the contents of the paper on the table. Other gentlemen, he hoped, would follow the same rule; that they had no right to state any thing in argument, which they had not ventured to assert in the proclamation; much less were they at liberty, in any instance, to aver against their own record. The authors of this measure must not expect to shelter themselves under his majesty's name. I am under your correction, Sir, when I affirm that this proclamation, like every other act of the crown, the moment it is submitted to the consideration of parliament, is to be treated and examined as the act of the minister, and nothing else. This I hold to be parliamentary doctrine; at least I am sure it is parliamentary language. In the speeches from the throne, we assert this distinction, and canvass the subject as if the king had nothing to do with it. The constitution tells me, the king can do no wrong. I go farther, and am ready to declare my belief that the proposition is actually and personally true. If nothing were in question but a compliment to the throne, or a declaration of duty and respect to his majesty, I should challenge any of these gentlemen, who are most loaded with the favours of the crown, who, in the midst of their eternal professions of immaculate purity and rigid self-denial, have contrived to engross all the emoluments, all the power, and all the profits of government among themselves, their relations, and

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immediate connexions; I should challenge and defy the most forward of these disinterested persons, to express a warmer zeal and affection than I should to his majesty's person and government. This is not the question. The measure, which we are called upon to approve and support, is a ministerial act. The address proposed is an address of thanks, and approbation to the minister, and an engagement to support his particular administration. Well, Sir, since he comes to this House for approbation, for thanks and for support, let us examine the merits of his conduct, and see whether he deserves it. The proclamation tells us that "divers wicked and seditious writings have been printed, published, and industriously dispersed, tending to excite tumult and disorder," &c. but it does not tell us, how long these wicked writings have been so published and dispersed. If it had, we should then have known, a little better than the minister probably wishes we should do, what sort of gratitude is due to the care and vigilance of government, for their early endeavours to prevent or put a stop to these dangerous practices; to practices, which, if you believe the proclamation, aim at nothing less than the ruin of the constitution, and the destruction of the peace, the happiness, and prosperity of the kingdom. I shall do that which the proclamation has omitted. Many of the writings alluded to have been in public circulation these two years; some of them much longer, in the eye of government, under the immediate inspection of the law officers of the crown, and therefore, I have a right to say, with their tacit consent or acquiescence. They may call it, if they please, a bare neglect of their duty. Such negligence, in such circumstances, convicts them of connivance, and, in my mind, makes them parties to the very crimes which they now denounce for the first time, and against which they would now excite the indignation of parliament. The particular publication most insisted on (I mean Thomas Paine's book) has been published and circulated with uncommon industry above a twelvemonth. In all this time his majesty's vigilant ministers have suffered the poison to spread, and the mischief to take root, without attention to their duty, without care of the public peace, or the smallest notice of these pernicious writings, which were constantly in their view, and brought before their eyes every day in the newspapers. But it seems that these wicked and seditious publications have been dispersed and recommended by divers other writings. How long has this been the case? We all know, for above two years at least; and that this has been done not only by individuals, but by societies and bodies of men incorporated for that express purpose, with the entire acquiescence, and, as far as silence gives consent, with the consent of government. So much for the merit of these persons, who come to us for an address of approbation. But the whole proclamation is of a piece. The next thing they do is to assert, in the face of the nation, a gross and scandalous falsehood; not in the form of an assertion certainly; but, in fair and honourable reasoning, the direct result of the plainest and most obvious construction. The magistrates are charged and commanded to make diligent inquiry in order to discover the authors and printers of these wicked and seditious writings. The assertion implied in the command, and which I affirm is a notorious falsehood, is, that these authors and printers are unknown; that they have taken care to conceal themselves, and that they can only be discovered by a diligent inquiry; The proposition, on the face of it, is an insult to the House. Can they point out a single publication, among all the writings which they call wicked and seditious, that does not carry in its title page the name of the author, the printer, and the publisher? Are not the resolutions of the several societies alluded to authenticated by the signature of the chairmen of those meetings respectively? Is Mr. Paine's book an anonymous publication? Have sir Brooke Boothby, Dr. Priestley, Mr. Rous, or Mr. Mackintosh concealed their names from the public? Who are to be the objects of this diligent inquiry? What writings do you mean? I declare I know of none; I never heard of any, of which the authors, far from shrinking from inquiry, do not come forward to face and provoke it. Since I have been acquainted with political dicussions, I never knew a period, at which anonymous publications were less in use than at present, at which authors were ever so ready to put their names to their works, and to make themselves personally responsible for what they published. It is the literary character of the time we live in, and gives the lie direct to the ridiculous supposition that a diligent inquiry

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is necessary to detect any of the persons who can, by any possibility, be the objects of the proclamation. The conclusion of this curious performance corresponds with all the rest of it. In the outset, if their premises be true, the king's ministers in effect acknowledge their guilt, and pronounce their own condemnation. They then proceed to affirm a gross and palpable falsehood; and in the end, the office they assign to all the magistrates of this kingdom, and the duty they exact from them is, to turn spies and informers against their neighbours, and to transmit all the information they can pick up to that respectable minister, the secretary of state. These are the principal items, of which this monstrous composition is formed. What the general intention of it may be, I know not; but I am sure, that, if it has any effect at all on the minds of the people, it must be to excite the very tumult and disorder, which it pretends to suppress, and to raise jealousies and discontents, where none existed before. The end that may be answered, and the pretences that may be furnished by that sort of policy, require no explanation. One word about that strange thing, that novelty unheard of, called reform, and I have done. My hon. friend, I know, is not to be dissuaded, much less is he to be deterred from making the attempt. The trial will be made, and then the country will see, who are, and who are not, apostates from their principles.

Mr. *Windham* said, the pain of differing with many of those with whom he had the pleasure of concurring in general, was alleviated by the consideration that their difference was but on a single point, of means, not ends, of speculation rather than of practice. When this debate was at an end, on all other topics, to his own great happiness, and the ultimate interest of the country, they should act as cordially together as if no such difference had ever existed. Agreeably to their ideas of the subjects before the House, they were right in opposing the address, while he was equally right in approving of it. It was said, that ministers had been too late in prosecuting the writings which were complained of as seditious. Of this he was not clear; but sure he was that prosecutions would come with more effect after the declaration of the House, that they too thought them seditious. The happiness of the country alleged as a sufficient security against all attempts to persuade the people that they were misgoverned and oppressed, was matter of individual feeling and observation, on which different men would entertain different sentiments; and few there were who thought themselves as happy as they might be. Certain it was, that discontents existed, and were increasing; and consequently on this security they could not rely. It was therefore necessary to prevent the dissemination of poisonous doctrines; to guard against those who, while they talked of appealing to reason, appealed only to the reason of the very lowest class—of those whose reasoning was the offspring of their passions, seldom, indeed, of sober reflection. The danger would be more or less in proportion to the firmness maintained by the House. It was one of those dangers which ceased to be formidable when boldly faced. They must work out the salvation of the country with fear and trembling indeed; but they must do it without shrinking. The proclamation was, in his opinion, unexceptionable. It contained nothing unusual; it had no relation, at least in form, to the Association of which his hon. friends formed a part, although without imputing unworthy motives to them, he did think that the Association increased the danger which the proclamation was meant to guard against. The demands for a reform in the representation were not of a nature to be satisfied by concession.

Major *Maitland* said, that those who had drawn up the proclamation had given no definition of what they meant by the words seditious writings, nor at what they pointed. Feeling that they had apostatized from their former principles, he believed it was their intention to blend the doctrine of reform with sedition, and to include both in one general odium. Submission to the laws was recommended. Had not that submission been practised? Confidence in parliament was another branch of the sentence. In parliament the people would always confide in proportion to the wisdom and integrity of its measures. To their want of confidence in parliament the country owed much on a very recent occasion. When parliament chose to confide in the minister, the people refused to confide in parliament, and put a stop to the intended Russian war, which the majority of parliament thought fit to sanction. The tendency of the proclamation was, to divide man from man, and family from family.

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Mr. *Thomas Grenville* said, the subject confined itself to two points; whether there did appear to the House danger and alarm: and if so, whether the proclamation was a fit measure to prevent the one, and quiet the other? He was satisfied that there was ground for alarm. It was impossible for any gentleman to partake of that enthusiastic admiration for the constitution which it was usual to profess, without being alarmed. He reasoned on the conduct of the various societies, who had circulated extracts from Paine's pamphlet, and asked what had been their object, but to excite discontents among the military of the country, to put an end to all discipline and order, and to make them think all punishment oppressive. With regard to the question, how could they agree to a proclamation, which tended to establish a system of spies, a system so abhorrent to Englishmen; upon reference to former proclamations especially in the reigns of queen Anne and George 1st, he had found the present did not contain doctrines more revolting. It was at all times the duty of the magistrates to do what the present proclamation directed; the substance of the last paragraph was in all the proclamations in the periods to which he had alluded. One of the articles of Dr. Sacheverel's impeachment was, that he had preached his sermon in defiance of the queen's proclamation against seditious writings. He should vote for the address.

Mr. *Rolle* said, he approved of the proclamation and address. Mr. Paine's doctrines were so extravagant, that he had imagined they would not have been attended to by any man in his senses; but when it was found that they had imposed on large bodies of men, who had adopted his principles, it became a matter of serious alarm and apprehension.

Mr. Secretary *Dundas* said, he would begin with observing upon two questions, that had been insisted on, as grounds of accusation against his majesty's servants, of a quite different nature; the one, the want of attention manifested by them in not having noticed the publications of Mr. Paine; the other, the taking notice of those publications in the proclamation, and by that means giving them an importance which they did not possess. It had been said, that Mr. Paine's book had been published eighteen months, and he was ready to admit, that the fact was founded. He was one of those who thought that when the law of the land was offended against, the best way was to leave it to the law of the land to apply the proper remedy. But upon such publications as Mr. Paine's, gentlemen well knew that there were differences of opinion which was the most wise and prudent way to act, whether to prosecute them seriously or not. For his part, he held it to be a better measure, to let them in general die away. The first pamphlet of Mr. Paine, was so wild, extravagant, and visionary, that it was rather matter of astonishment that there should exist a man capable of entertaining such opinions, and bold enough to publish them, than any thing else. Gentlemen would recollect, that it was from his last publication, that the principles had been drawn, which had been adopted by different bodies of men, and inculcated in a variety of shapes throughout the kingdom. That pamphlet he observed, was published only in February last, and the extracts had chiefly been made and circulated in the months of March, April, and May. And he believed it was known that the printer and publisher was under a prosecution for it. An hon. gentleman had said, he wished the author rather than the printer was made the object of the prosecution, but how was he to find out the author? Though he saw in the title-page the words "Thomas Paine," he did not from thence conclude that he was the author, or know how many persons might conceal themselves under the shelter of the name of Thomas Paine. Perhaps some of the gentlemen on the other side might know who was the author, and if so, he would thank them if they would point him out to him. In the mean time, he assured the House, that so soon as the principles of Mr. Paine's last book appeared to be adopted by the society at Manchester and by other societies, a prosecution was instituted against all those publications. He had in his hand the resolutions of the society at Sheffield, which he had received by the post of that day, and from one of the resolutions the House would see to what an extent they carried on Mr. Paine's principles. He read it to the House, and said, that after such a resolution had been voted and given to the world, he hoped he was not to be told that there was not sufficient cause for the proclamation, when great bodies of men, in large manufacturing towns, adopted and circulated doctrines so subversive of the constitu-

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tion and government of the country. He took notice of the several associations and societies, and observed that one gentleman had said he belonged to all of them, and that he was proud of it, although he seldom frequented some which he had belonged to when he was a young man. That hon. gentleman must, however, give him leave to tell him, that he was answerable for what those societies did, as long as he suffered his name to remain on their books.—He would now come to the proclamation itself, and he confessed it was difficult to speak to the various objections that had been made to it. But when he found that some gentlemen on the other side of the House, of great consideration in the country, had declared their approbation of the proclamation, he did not think that his majesty's servants might have been freed from those imputations. If the hon. mover of the amendment had given himself the trouble to have asked his friends, he would have ascertained whether government had any insidious object in view Since the proclamation had been issued, ministers, and many respectable members for counties, were of opinion, that they were called upon to take notice of writings tending to inflame the minds of the public. With regard to the Association for the purpose of obtaining a parliamentary reform, he had no hesitation to declare, that in his opinion, it could do no good whatever, but might do much mischief. His right hon. friend had been accused of having been guilty of apostacy; but it was easy to prove that he had not done so. At the latter end of the American war (a war which was, in the beginning, the favourite of the people, though, from its ill success, by degrees it became unpopular) the idea of a clamour first began for a parliamentary reform, and it came from such a variety of quarters, that he was one of those, who, thinking it was the general opinion of the people, was a good deal staggered upon the subject. His right hon. friend was then very young; he was engaged in no party, nor pledged to any opinions. He had been extremely sanguine on the subject, and had proposed a committee to inquire into the state of the representation, a motion which he (Mr. D.) had then strenuously opposed, because, as it contained no specific proposition, he considered it as opening a shop for every sort of grievance. The question was lost, though by no great majority. The next session his right hon. friend had brought forward a specific proposition, and had taken pains to guard his motion from the objections that laid against his first proposition. That motion however was lost by a much greater majority. The people, notwithstanding were calm and contented, and they had heard no more of parliamentary reform from that time to the present, excepting only from a right hon. gentleman from a neighbouring country, now no more (Mr. Flood), who had brought forward a proposition on the subject, which he had opened with great ingenuity and ability, but, like the former motions it was lost. At present the question had been revived in consequence of a person's happening at a tavern meeting, in a speech made up of different irrelative subjects, to introduce the words "parliamentary reform." His right hon. friend clearly saw, that this was not the time for a wise and prudent man to agitate the question, when he knew that the minds of the people were prepared to receive every proposition that could be suggested. Such was the simple state of the fact, and he thought his right hon. friend acted wisely and well by his forbearance. Mr. Dundas said, he was glad that gentlemen had declared they would desist from their purpose, the moment they discovered that the sense of the people was against them.

Mr. *Whitbread* said, that when he first saw the proclamation, he conceived it was indirectly intended to be levelled at the Association, nor had he yet heard any thing to make him alter that opinion. The right hon. gentleman had attempted to take off some of the impression of the argument urged by his hon. friend, who had proved, that the proclamation was a measure adopted with an insidious intent to break off friendship and promote disunion; but he had failed in his purpose. The association had done nothing illegal, nothing unconstitutional. They had endeavoured to preserve the constitution by bringing about a moderate reform in the representation. By gaining that reform, they would put an end to the abuses which existed, and take away the plank on which those, who might have seditious intentions, might otherwise make a stand. He concluded with declaring that he should vote for the amendment, and repeated that he wished only for a timely and a temperate reform.

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Mr. *Powys* said, he should support the address. He mentioned the numerous publications which had appeared even, though prosecutions had been instituted, and said, he thought the country was called upon to declare its sentiments distinctly and clearly. A lying spirit had gone forth which, while they all felt the utmost happiness under the constitution as it was, taught the people to imagine that they were unhappy and oppressed. Let him ask the gentlemen of the association, if they did not, in some degree, countenance those principles? [A cry of No, no!] The gentlemen of the Association called upon the people to ask for that which they did not think necessary. For himself he was ready to state that the present representation of the people was, that which the country wished, and if the association went farther, they would not support, but overawe the legislature.

Mr. *Pulteney* approved very much of the proclamation and address. Considerable alterations had been made in the constitution of late years, since the crown had been curtailed of those powers that interfered with the rights of election. The voice of the people had great weight, and was known to be fully given through their representatives on every great occasion; which proved that the House of Commons, constituted as it was, was a fit organ to speak the voice of the people. He mentioned the election of 1784, when the people spoke their sense of the conduct of their representatives very forcibly.

Mr. *Lambton* took notice of Mr. Dundas's assertion, that the gentlemen of the Association had pledged themselves to dissolve their meetings, if they found the sense of the people was against their object. They had not done any such thing. They had declared, that if they found the sense of the people was against them, they must submit, and that they would use no illegal, or unconstitutional powers, but would still continue to associate as a body. He still believed that the proclamation was levelled at them, notwithstanding Mr. Dundas had said, he entertained an idea of a proclamation before the Association took place. An hon. gentleman had said, look at the situation of France. He indeed lamented the calamities of that country, but he did not see how it applied to remedying abuses at home, and why it was to be held out *in terrorem*. He reprobated the idea of governing men by their fears. It was a bad system, and used in the worst of times by the worst of men. He had hoped, that it lay buried in the family vault of the Stuarts.

Alderman *Curtis* approved of the address.

Mr. *Baker* explained the nature of the association, the object they had proposed to effect, and the limits they had set themselves. This he did by reading the printed advertisement of the association which he had signed; and declared that he had ever held language diametrically opposite to such principles as had been imputed to the association.

The *Attorney General* said, that what he had heard in the course of debate, from men of the first weight and consideration in the country, had considerably quieted the alarms and apprehension that had filled his mind when he entered the House. But what he was particularly anxious to say a few words upon was, in answer to what had been said by an hon. gentleman relative to the magistrates alluded to in the latter part of the proclamation being converted into spies and informers. Nothing could be more erroneous than any such opinion, and he should have been extremely sorry if such an idea had obtained. There was no such ignominious duty imposed on them; that part of the proclamation only reminds them of that duty, which they were bound at all times to perform. As to transmitting the names and descriptions to the secretaries of state, how was it to be known who were fit objects of prosecution, unless notice was given to the officers of government. His duty, when the cases were submitted to him, was merely to say, "this will, or will not bear a prosecution." With regard to not prosecuting the first pamphlet, reasons had been assigned why it was not thought right to prosecute that, and, as a member of parliament, he had a right to say, that he did not think it gave a degree of consequence to a publication too absurd to require an answer, to make it the object of a serious prosecution. Finding that no notice was taken of the first, a second pamphlet appeared, and in that the wild and visionary principles of the author were carried still farther, and contrary to his expectation, made an impression on the minds of the public. Much pains had, in consequence, been taken to circulate them, and even children had scraps, in the form of extracts, put into their hands. A learned gentleman had asked, why the author was not prosc-

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cuted? Who was the author? He saw the words "Thomas Paine" upon the title, but that was no legal evidence that he was the author, nor would it be received as such. Thomas Paine was a common name, and one of the jury might be a Thomas Paine, and it might be asked, how did they know which was the right one of the two? The way to avert the danger that supineness might encourage and augment was, to come to a declaration, that they would face it in a direct, immediate, and manly way. Upon these grounds it was, that he should vote for the address.

Mr. *Fox* said, that from delicacy to friends truly dear to him, he could have wished not to have been obliged to give any other than his vote upon this question; but as there was not likely to be a division, perhaps it might go forth into the country that he agreed with the sentiments of several persons on this subject with whom it was his honour and happiness generally to act. He thought himself bound, therefore, to declare that he could not give his consent to a measure of which he totally and completely disapproved, as impolitic, unwise, and alarming. He disapproved of the proclamation, because it was insidious and ambiguous, because it evidently had other purposes than those which it professed, and because it had all the features of that craft which belonged to the quarter from whence it came. Was it directed against Mr. Paine's book, the author and publisher of which were known? If so, why desire to discover the author and publishers? If it had a direct purpose, why not directly and unequivocally state it? Why, because it was the insidious intention to throw forth unnecessary alarm, and vague aspersions, that they might make it speak a different language to the country than that which they explained in this House. It was declared here not to be directed against the association of the friends of the people, whatever aspect it might wear out of doors, and no measure that he ever saw had more the chateristic features of deceit and delusion than this proclamation. It might be asked, why, then, had some of his particular friends supported ministers in the measure? He would explicitly answer the question; they were, very unhappily for the country, made the dupes of the deep and artful design which ministers had in view. They were the dupes, from their sincere opinion, that a reform in the representation was not only not called for by any necessity, but would not be a good nor a wise measure; and that the agitation of the question would lead to uproar and mischief. In this opinion, which they entertained zealously and honestly, they had been led to engage, in this instance, with men very different from themselves; as different as despotism and tyranny from freedom and happiness—as honesty and frankness and honour and openness from cheating and fraud. Indeed, he himself stood in a very serious predicament; between friends on the one hand and on the other, who had all got into strange company. He himself had not signed the declaration upon which the Friends of the People had associated, and he could not subscribe to the principles upon which others of his friends supported the measure of this proclamation. On both sides, there was a meeting of disjointed associations. In the year 1782 he remembered there was a meeting at the Thatched House, when the hon. Mr. Pitt, the duke of Richmond, major Cartwright and Mr. Horne Tooke, all agreed to certain resolutions of reform. Now, by a strange association, one set of his friends had got into company with the two first of these four, and another set with the two last. The Friends of the People had disclaimed the imputation upon them, that they were connected with Mr. Cartwright and Mr. Tooke's doctrines: but we had no disclaimer of the others. The right hon. gentleman and the duke of Richmond had thought proper to change their opinions on the subject of reform; and not merely to change their opinions; but the right hon. gentleman had brought forth a proclamation, and the noble duke was to head a camp, against it. He did not mean to say it was singular that the right hon. gentleman should change his sentiments upon any subject; he was so much in the habit of doing so upon all subjects, that one would think he had a patent for retraction, and a monopoly for change. There were few subjects upon which he had not utterly changed. Last year he had told the House, that we must have an expensive armament, because the country was in danger from the alarming attempt of Russia to obtain Oczakow: and this year finding the country against him, he assured us we were in perfect safety, Russia having obtained the very place which made our danger. Last year he had said

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that we ought to repeal the penal statutes, as ignominious and disgraceful: this year he says, they ought to be preserved for edification, and to prevent scandal.—There was a passage in the proclamation which particularly struck him. It was this, that "the prosperity of the country depends on a just confidence in the integrity and wisdom of parliament." What must his friends think of such an expression as this coming from a ministry who had begun their career by declaring to the country that they ought not to have confidence in the integrity and wisdom of parliament? Did they not all recollect, that when the right hon. gentleman found the sense of that House against him, he advised his majesty not to pay respect to the wisdom and integrity of that House, but to dissolve them, and to show the country that they ought not to have confidence but in him personally? To give the true meaning to this expression, therefore, there should be added these words: "As long as the parliament shall act agreeably to the king's executive government." So long and no longer were the people taught to have confidence in them. O admirable lesson to hold out to the country! O admirable doctrine to the parliament itself! Obey, and you shall be honoured with the titles of integrity and wisdom. Disobey, and you shall be dissolved, and branded with corruption and folly.—The plain intention of this proclamation was, to strive to make a division between that great body of united patriots, known by the name of the Whig interest; a party, the firm union of which he considered as of the utmost consequence, as, indeed, essential to the maintenance of the constitution. He knew of no plan so good, no object so desirable, as their firm union; and he was proud to say, that to divide them was impossible. They might think differently on particular subjects; but, united on principles so salutary for the nation, no arts however insidious, could prevail in dividing them. To effect this division the proclamation was intended, and not the writings of which it spoke. Those writings had been long before the public. The associations of Manchester, and the society for constitutional information, had long been formed, and if any alarm had been entertained of them, long ago the measures ought to have been taken. But, in truth, they made the alarm by this proclamation, and if riots were to be provoked, they were likely to be riots on the other side; for in all the riots that had happened, the cry of church and king was the pretence. Surely, then, the amendment of his hon. friend, mentioning the riots at Birmingham was proper, unless ministers wished to take up a party, and countenance a faction. It was not, in his opinion, a republican spirit that we had to dread in this country; there was no tincture of republicanism in the country. If there was any prevailing tendency to riot, it was on the other side. It was the high church spirit, and an indisposition to all reform, which marked, more than any thing else, the temper of the times, and surely if they looked back to the year 1780, or to the late riots at Birmingham, they would find that high church frenzy was the cause. When had the dissenters made a riot? As Swift had sarcastically said of the Whigs, that "he would not say that all Whigs were infidels, but he was sure that all infidels were staunch thorough-paced Whigs," so, though he could not say that all churchmen were rioters, yet it was certain that all the late rioters had been churchmen; and this intolerant and persecuting spirit had been made particularly manifest in the late riot at Birmingham, where, as they might see from the admiral book of his learned and dear friend, Dr. Parr, there were instances of want of the common feelings of honour and decency, in men with the education and rank of gentlemen.—Mr. Fox concluded with a warm and feeling allusion to the friends of his political life, from whose side he would never separate, to whose opinions he had often yielded fair objects of personal ambition, but whose union he considered so essential to the public good, that though, in the prosecution of their system, they were without hope of favour from the crown, and without thanks from the people, he knew and felt that they would have the reward of their own consciences and hearts; rewards that, to honest minds, were ample and satisfactory.

Mr. *Pitt* entered at length into a defence of the proclamation. When attempts had been made by publications, and approved publicly by societies, which tended to subvert every principle of our most glorious constitution, he considered it high time for the executive government to interfere. He entered into a defence of his conduct in regard to a parliamentary reform, and asked whether, at the

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present moment, there was not the most serious cause of alarm? As to the opinions given by the duke of Richmond, major Cartwright, and a few others, they went to universal suffrage. Those opinions he had opposed ten years ago, as firmly as he did now, considering them as impracticable. Since that time, however, principles had been laid down by Mr. Paine, which went to a more dangerous and indefinite extent. Principles which struck at hereditary nobility, and which went to the destruction of monarchy and religion, and the total subversion of the established form of government. The number of proselytes to so extravagant a system, was too contemptible to effect any thing at present; and it was not till societies were seen forming themselves upon those principles, that alarm was excited, and preventive measures adopted. He said, that the new Association, however pure the motives of those who had established it might be, would be taken advantage of by men of no character at all; and the mischievous designs of the latter engrafted thereon. He said that Mr. Fox differed from all others. He saw no necessity for any proclamation at all. He saw no danger in writings, which had for their tendency the total overthrow of the constitution.

The amendment was negatived without a division. The main question for the address being then put,

Mr. *Fox* repelled the assertion made by Mr. Pitt, that he was a friend to the doctrines and principles of Mr. Paine. It was an uncandid mode of attack, to fix such a charge upon him, because he happened to differ in opinion from the right hon. gentleman. He had accused him of not seeing danger in the doctrines of Mr. Paine. He avowed that he did not see danger, because he knew that the good sense and constitutional spirit of the people, was a sure protection against the absurd theories which were alluded to. And this had been uniformly the opinion of the right hon. gentleman himself, until he saw, or thought he saw, the means of stirring up division between the friends of freedom. The insinuation, that he must be actuated by motives hostile to the constitution, he would not condescend to reply to. Every measure of his life was a sufficient answer to a charge so little becoming the right hon. gentleman who made it. Let him point out a single act that would justify the assertion.

The address was then agreed to; and ordered to be communicated to the Lords, and the concurrence of their lordships desired thereto.

Debate in the Lords on the King's Proclamation against Seditious Writings.] May 31. The order of the day having been read for taking into consideration the King's Proclamation,

The Marquis of *Abercorn* began with declaring, that he rose with great satisfaction to propose to their lordships a motion for their concurrence in the address of the Commons, which motion he was confident would meet with the support of their lordships, as no objection could be expected within those walls to a proposition pledging the zeal of their lordships in defence of his majesty's royal person, family, and throne, and in support of the constitution. It was notorious that some motive, whatever that motive might be, had induced certain persons to give the most industrious support to daring and seditious writings, disseminated from one end of the kingdom to the other, and having their source in the situation of affairs in France. It was not his intention to go into any observations on the state of France. With French politics we had nothing to do; we ought to leave that distracted nation to itself, and had only to look around us and bless providence for our own happy situation. But if it was notorious that emissaries were in this country propagating the principles that had brought wretchedness on France; if it was known that a correspondence was kept up with persons in that country, for the subversion of our constitution; if associations were formed to accelerate that purpose, then certainly the time was come for government and the people to combine for the purpose of counteracting the attacks of foreign or domestic incendiaries. The marquis observed, that government had looked on hitherto, hoping that the good sense of the people would be a sufficient antidote to the poison; but, perhaps, it would have been better not to apply common arguments to uncommon cases, when societies were formed for the purpose of forcing those seditious writings in every possible way, upon the most ignorant part of the people; when new associations were springing up, and were ransacking the country for grievances, avowing a wish to raise a power paramount to parliament,

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of which many of them were members, it became parliament, through whom alone, as the constitutional organ of the people, their voice could be heard, to stand forward in support of their privileges, on which the rights and interests of the people were founded. The marquis observed upon the insignificance of the persons who formed the different associations, and wished to ask, upon what they depended for inducing the country to believe that they represented the voice of the people? Was it a reliance upon their numbers or their popularity? If upon their numbers, that might be ascertained by counting their signed lists, for then they would have the muster roll of their whole army. If they inquired into their popularity, that popularity would be found to consist, on the one hand, in contempt, on the other, in distrust. There was a body more respectable, and, therefore, the more to be dreaded, with whom, he hoped, they were not connected, he meant the dissenters of every denomination. He wished every man to worship God in his own way, but every consideration must give way to the safety of the state, to secure which, they must stand by the civil and religious establishments of the country. All without the pale of the established church were split into different and jarring parties, and if united, were united only for an interested purpose. The object held out to them was a forcible reformation of the other House of parliament. The annihilation of that House they had not yet publicly avowed, though it was insinuated by some of them. They had endeavoured to set afloat the word reform, to agitate the minds of the people, but had not stated clearly their object. If reform were necessary, it should be a reform hatched by other means, and brought out through a constitutional channel. Reform was not to be commenced by confusion and destruction. The mode pursued by the associators went first to destroy parliament, then to reform it; for their mode of reform was by violation and outward force to intimidate and destroy the deliberations of parliament. There never yet had existed an idle clamour which was not called the voice of the people by those who raised it. He did not think any danger now existed of the kingdom being disturbed, for sure he was, so soon as their vigilance was awakened, and their exertions called forth, the peace of the country was secured. The danger was to be faced only to be destroyed. The Association, therefore, gave him no alarm; nor the names they had obtained to their lists; for never yet had a faction existed so contemptible, or so miserable, as not to be able to raise some names to form associations. The people of England, however, possessed too much good sense to be induced to believe that their situation could be bettered by the adoption of principles productive of bloodshed and confusion, or that their burthens would be lessened by civil war. The people of England would not, he was persuaded, desert the constitution they had been taught by their forefathers to revere, They were in the full enjoyment of national liberty; they possessed prosperity and safety; and in every point of view they were the happiest people among the nations of the world. The marquis concluded by moving as an amendment to the address of the Commons, the insertion of the words, "Lords spiritual and temporal," in the blank before the words, "the Commons."

The Earl of *Harrington* seconded the motion. He declared his hearty approbation of the measure adopted by government, as calculated to secure a constitution, which had long been the admiration of the world—a constitution in which the laws were equal, and by which our situation had been rendered flourishing and happy—a constitution which he hoped might continue as it now was, and produce blessings to the country to the end of the world.

His Royal Highness the Prince of WALES addressed their lordships for the first time, and in a manly, eloquent, and persuasive manner, delivered his sentiments. He said, that on a question of such magnitude he should be deficient in his duty as a member of parliament, unmindful of that respect he owed to the constitution, and inattentive to the welfare and the happiness of the people, if he did not state what was his opinion on the present question. He was educated in a reverence for the constitutional liberties of the people; and as on those constitutional principles the happiness of that people depended, he was determined, as far as his interest could have any force, to support them. The matter in issue was, in fact, whether the constitution was or was not to be maintained—whether the wild ideas of theory were to conquer the

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wholesome maxims of established practice; and whether those laws under which we had flourished for such a series of years were to be subverted by a reform unsanctioned by the people. As an individual nearly and dearly interested in the welfare, and he should emphatically add, the happiness and comfort of the people, it would be treason to the principles of his mind, if he did not come forward and declare his disapprobation of those seditious publications which had occasioned the motion now before their lordships. His interest was connected with the interest of the people; they were so inseparable, that unless both parties concurred, happiness could not exist. On this great, on this solid basis, he grounded the vote which he meant to give, and that vote should unequivocally be for a concurrence with the Commons in the address they had resolved upon. His royal highness spoke in a manner that excited the attention and admiration of the House. "I exist (he said), by the love, the friendship, and the benevolence of the people, and their cause I will never forsake so long as I live." His royal highness concluded with giving his most hearty assent to the motion for concurring in this wise and salutary address.

The Earl of *Lauderdale* said, that if ever there was a man who was particularly called to stand forward, he was that man. He rose not merely to vindicate himself, but characters of infinitely greater importance than his own, with whom he had the honour to be connected. He thought he had a great load on his shoulders, when he came forward as he then did to vindicate himself, and those with whom he had associated, from the gross calumnies levelled against them by the proclamation, and by insinuations both within and without those walls. The proclamation he stigmatized as a most malignant and impotent measure; impotent to do good, and potent only to the purposes of mischief and calumny. He compared the conduct of the present Associators with the conduct of the duke of Richmond and Mr. Pitt, at the close of the American war, a time, he contended, far less favourable for reform than the present. The duke of Richmond and Mr. Pitt, in conjunction with others, had in the year 1782 acted on much broader principles than those with whom he had the honour to be connected wished now to act, in respect to a temperate reform of the representation of the people in parliament. How the noble duke and Mr. Pitt would vindicate such a change of conduct he knew not, but would leave it to them; the change, however, he attributed to no good motive. After many strong arguments, and a great variety of quotations from the duke of Richmond's letter to colonel Sharman in 1783, the resolutions of the Thatched-house in 1782, when Mr. Pitt, the duke of Richmond, Mr. Horne Tooke, and major Cartwright met to project a reform in the representation, the earl at length took notice of the camp at Bagshot, which, he said, the noble duke, who had been before so strenuous for a reform, was appointed to command, to overawe the people of the metropolis, and to destroy their endeavours to obtain a reform. He declared he was glad the duke was to command that camp. If apostacy could justify promotion, he was the most fit person for that command, general Arnold alone excepted.

The Duke of *Richmond* spoke to order—He was perfectly ready, he said, to bear the general observations of the noble earl, in consideration of the soreness of the situation in which he stood, but the impertinent personalities he was now descending to, exceeded all the bounds of the order, and were not to be permitted.*

* "In consequence of a very strong expression made use of by the duke of Richmond to the earl of Lauderdale, in the debate on Thursday last, his lordship sent him, the following day, by Mr. Grey, a message, purporting that, in consequence of the severity which he used towards the public conduct of the noble duke, he (the noble earl) expected that his grace would, in his answer, have gone to as much severity of reply as the rules and decorum of debate would permit him. But that he had gone infinitely beyond this, and had made use of an expression unjustifiable among gentlemen. He demanded, therefore, that his grace should retract this expression. The noble duke refused to make any concession, and said, he was ready to give the noble earl the meeting immediately. Mr. Grey said he was instructed to tell the noble duke, that if he did not comply with the demand, lord Lauderdale would expect to meet him the next morning, but he could not undertake to fix a meeting without again consulting his lordship sooner than that time. A meeting was accordingly fixed for the next morning on the Edgeware road. In the evening Mr. Grey received a letter from colonel Phipps, intimating that he had hopes the affair might be amicably settled, and that the noble duke would not persist in the expression, if lord

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The Earl of *Lauderdale* justified himself upon the point of order, and proceeded to argue that the proclamation was an insidious measure, adopted by ministers for the purpose of disuniting those who had, on the most honourable grounds, acted in opposition to their administration; but such low intrigues he hoped would be disappointed, and though many of his noble friends might disagree with him on the present question, he entertained no doubt of their zealous re-union on the majority of political questions hereafter to be discussed. The noble lord concluded with moving a similar amendment to that proposed by Mr. Grey in the House of Commons, [see p. 1487.]

The Duke of *Richmond* said, that having been so particularly alluded to, their lordships would naturally expect to hear some reply from him. His grace then proceeded to defend his former conduct on the subject of reform, and said, the proposition that he had brought forward respecting reform, had not been with a view to subvert the constitution, but for a very different purpose. With regard to the negative of the crown, alluded to by the noble earl, the particular part he had taken was in stating his opinion in reply to a speech made by a noble marquis then present (lord Lansdown) who would most probably recollect the circumstance. That noble marquis had stated, that he wished, among other reforms, that the negative of the crown should be restored, and he in reply, had said, that it appeared to him, as the constitution then stood, that the negative of the crown was not necessary. Were there any establishments contrary to the constitution, that a clamour was endeavoured to be raised in the country, to persuade the bulk of the people that it was necessary for them to pull down the constitution in order to build up a new one? Although he was the last man to say that the acts of ministers ought not to undergo the most free discussion in parliament, yet when the noble earl, not contented with animadverting on the conduct of public men, had talked of their motives, and attributed such as were disgraceful to them, he certainly had been disorderly. The noble earl had made it an objection to ministers, that instead of coming forward with measures of their own, they came to that House with the proclamation, with a view to obtain a parliamentary sanction for the measure, and thus get rid of their responsibility. This accusation he had never expected to have heard made, since the case was directly the contrary: his majesty's ministers had advised the crown to issue the proclamation, and were responsible for

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Lauderdale would say that the allusions in his speech were all to the public political conduct of the duke of Richmond, and not to his private character. Mr. Grey said, he could at once answer for his noble friend, that his allusions were all to the public conduct of the noble duke, for they were expressly declared so to be in his place at the time. These gentlemen afterwards met, and colonel Phipps brought a paper from the duke, which stated that warm expressions had passed between the two noble peers, and that a discussion having taken place, and lord Lauderdale having declared that his expressions alluded only to the public conduct of the noble duke on the question then under consideration, he, the noble duke, did not persist in his expression to lord Lauderdale. This paper being shown to lord Lauderdale, he objected to two material passages in it: 1st. That it should be stated, that on his direct demand, a discussion had taken place; and 2d, That his expressions of severity against the noble duke, were not confined to his political conduct on the particular question of parliamentary reform, but generally to his public political conduct; and he wished them so to be understood. The paper was altered agreeably to the demand of the noble earl; and the affair, which was drawn out to very near the time appointed for the meeting in the field, was happily settled."

The above account appeared in the Morning Chronicle; the following was afterwards published in all the papers:

"We have authority to give the following authentic statement of the result of the late transaction between the duke of Richmond and the earl of Lauderdale. Some strong expressions having taken place in the debate on Thursday, in the House of Lords, lord Lauderdale requested an explanation of an expression used by the duke of Richmond; and a discussion having taken place on the subject, lord Lauderdale declared, that the expressions used by him, applied solely to the duke of Richmond's public conduct, and that he meant nothing in any respect personal to his grace's private character. The duke of Richmond, on his part declared, that he did not persist in the terms he used to lord Lauderdale, those expressions having been suggested solely by the idea of his private character having been attacked."

A meeting took place between lord Lauderdale and general Arnold, on the 1st of July, but terminated without any unpleasant consequences to either party."

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the measure; having taken it, they came to that House to state what they had done, and submitted it to the decision of parliament. With regard to the question of reform, the propriety of agitating it depended greatly on time and circumstances: when he had himself proposed a reform in the representation of the people, the times were far different from the present. We were nearly at the end of the American war, with the resources of the country almost exhausted, and an enormous debt incurred. That war had grown extremely unpopular, and the whole nation was dissatisfied. Was that the case at present? Quite the reverse: and therefore it was, that he thought the measures pursuing without doors at this moment attended with the greatest danger. The duke said, he had not only professed himself an advocate for the rights of man, but had used a still stronger phrase, and had contended for the unalienable rights of man; by which he understood that right which a man might not take away and give to another man. Men might themselves delegate their right, but they could not deprive themselves of the power of resuming it when a fit occasion occurred. He might possibly be asked, who was to judge of that right? was an individual, or the body of the people? The latter undoubtedly; and so far he adopted the principles of Mr. Paine; but at the same time he agreed with Mr. Burke, that these rights were never to be exercised but in cases of the most urgent necessity. His grace reasoned on associations for the purpose of enforcing a reform, and said, though he thought a reform of the constitution of the House of Commons an indisputably right thing, he thought it should be when the people wished for it, and at present he heard no such wish. There were no petitions on the subject on their lordships table for that purpose, and it was a measure that ought to be required, and called for by the people themselves. The people who had associated, had not agreed among themselves what sort of reform was requisite. They said, indeed, that they meant a moderate reform; but how did they know that the other societies would be satisfied with such a reform? Neither had the associations stated on what principle they looked to a reform. Did they think the landed interest had too much of the representation, or the monied interest, or the commercial interest? By not stating a specific measure the consequence would be, that the business would fall to nothing, or they would be obliged to call on major Cartwright, and thus by creating a dissention, the question of reform would get into disrepute and disgrace. His grace talked of there being foreign emissaries hired to propagate doctrines in the country subversive of our constitution. From one passage in Paine's second book, he was convinced that he was a foreign emissary, hired for the purpose he had mentioned. That passage was, that in which he advises the destruction of the navy of England. His grace descanted on the obvious meaning of such advice, and added some farther reasoning in support of his assertion, that it was highly unadvisable to agitate any question of reform in this country under the present circumstances of the times. He concluded with declaring that he should vote for the address.

Lord *Hay* said, that in the course of his political life, he had more frequently acted in opposition to the measures of administration than with them; but on the present occasion he must vote for the address, thinking, as he did, the proclamation to be a wise, a politic, and a necessary measure.

The Earl of *Suffolk* said, he should vote for the address, as he thought the proclamation a very proper measure.

The Duke of *Portland* said, he was glad that an opportunity had been afforded of discussing publicly the doctrines that had of late been propagated with such uncommon industry, because it was not sufficient for considerate and moderate men to reprobate those doctrines in private; in order to produce a proper and salutary effect, they must be publicly repelled. No man could venerate the constitution more than he did, nor more sincerely wish that every endeavour to subvert it might fail. In times like the present, too much caution could not be used to guard against innovation. The proclamation appeared to him to be a proper measure, since it was setting up a standard for every friend of the constitution to resort to, at a moment when there was a reasonable ground for general alarm and apprehension. For these reasons the address had his cordial concurrence.

Earl *Spencer* thought the proclamation a necessary measure, and being a professed admirer of the constitution, consi-

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dered every attempt to innovate upon it as dangerous; for he was sure that no constitution could be framed so well calculated to preserve to us that happiness, and those inestimable blessings which we at present enjoyed.

The Marquis *Townshend* said: My lords, I do not think I ever knew of more absurdity than the present doctrines contain, which have produced such alarm, and have occasioned this proclamation. They defeat themselves; and when we consider that they are renounced by that body called the Whig club, and when I reflect, that even from the latter society, some of the most distinguished characters for constitutional principles have differed, there is evidently a disunion on this subject, which must defeat the bad consequences apprehended. But, my lords, I will animadvert shortly on what we consider as the most captivating part of the intended reform—annual parliaments, and that every individual is to have a right in the election of representatives. The propounders have not reflected upon the time which the deciding contested elections requires. It is now the third year of this parliament, and they are not determined. This impracticability is the principal argument for septennial parliaments; and if the additional number of voters proposed was to take place by this improvement of the constitution, an annual parliament, we should have no parliament at all, but a democratic government in the streets. But let us advert to what the present freeholders, farmers, and industrious manufacturers, who have acquired by industry this constitutional privilege, would think, by being equalized with the lowest class of the community, many of whom, though they can neither write nor read, are yet to discern the qualifications of their representatives. Another mode of reform, is a division of the large farms into small ones, and restoring them to their original state of poverty; of course, as we know that the improvement of land is produced by a system of alternate cultivation and manure, this is to render things cheaper. In this case, the leases with the farmers are to be broke, and they are to be reduced to husbandmen. The last capital absurdity which must strike every body, is an equalizing of property, by which all emulation, and every motive to industry or education is suppressed. I will dwell no longer on this subject, but only repeat that these absurdities being renounced by the respectable members of the associated reform, I could only have wished, that gentlemen of this society had brought forward for the public consideration its defects, and the remedies they proposed, instead of inviting the discussion at large, of every indigent, illiterate, and discontented mind, the prey of ambition, or political enthusiasm, from whose influence nothing can be expected but such a scene as now prevails in a late rival nation. If this proclamation is intended to warn the promoters of confusion against the consequences which may follow, it has my concurrence; for, after the mischiefs to be expected from this tumultuous mode of reform, it is but right its promoter should know that they are not to expect the same lenity.—The marquis said, he approved of authorizing justices of the peace to put an end to riots and tumults, by enabling them to call in the nearest military, and thus by uniting the civil power with the military, enforcing the restoration of peace and good order.

The Earl of *Abingdon* said, he would support the proclamation, because he thought it was right, and could not be attended with any bad consequences.

The Marquis of *Lansdown* said, he was astonished at the perusal of the proclamation, and expected to hear some reasons assigned for a measure so unprecedented. He did expect to hear it alleged that magistrates had been found culpably negligent of their duty, and that the ministers had taken measures to punish them for their neglect; or that the municipal power of the country was so much decayed, that time and the progressive change of all human things had rendered it inefficient, and that a substantial remedy was intended to be applied. Something of this sort he expected to hear; but no such reason was assigned for it in the first instance—no such measure was suggested to follow it up. To trust the peace of the country and the suppression of riots in all cases to military aid, was neither wise nor dignified. The army was a fit and worthy instrument of defence, when we were all united against a common enemy; but in internal disturbances it was both dangerous and insufficient. It was dangerous, because where the people were tainted with a spirit of insurrection, what security had they that the military might not be so too? It was insufficient, because it never could be so

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numerous as to cover all parts of the country at once, and while it was employed to quell a riot in one extremity of the kingdom, the same spirit of insurrection might break out in another. To keep men dependent on a military force for the protection of their lives and properties, was a dastardly expedient. It was impossible to say to what an abject situation men might be reduced if kept unarmed, if accustomed always to look to others, for that which they ought to be enabled to do for themselves. He should therefore have expected that when apprehensions of popular disturbances were so alarmingly stated, wholesome municipal constitutions would have been given to Birmingham, Manchester, and other populous towns—not such constitutions as the new police bill was to establish for Westminster; but such constitutions as would enable those who had property, who had an interest in the public peace, to defend it, under proper authority, against all who wished to plunder the one, or disturb the other. This was no doctrine of wild democracy: it was a doctrine set forth by an aristocratic author, M. D'Argenson, in a book which, to his surprise, did not appear to have been translated into our language. The author, who had an employment in the police of Paris, and might therefore be supposed to have some knowledge of the subject, recommended this mode of maintaining the public peace. He was astonished at the mixed motives and constructive danger on which their lordships were called upon to approve of the proclamation—much more at finding it supposed to glance at an association lately instituted for the purpose of reform. The principles of that association had been supported by members of the present cabinet. One of the most distinguished members of the cabinet had called upon him to run the risk of sacrificing the administration of which he had the honour to make a part, to the support of those very principles of reform. To those principles he verily believed that administration had fallen a sacrifice; and he had too high an opinion of the person to whom he alluded (Mr. Pitt), to believe, that he could approve of any measure that tended to throw discredit on principles which he himself had once professed. To impute improper motives to those who had now embarked in the same cause was ungenerous and uncandid. He had little knowledge of any of them but one (Mr. Grey) the son of an old and much respected friend; and him he knew to have an hereditary claim to honour and integrity, to every virtue that entitled a man to solicit the confidence of his fellow-citizens. It was cruel in those who had themselves supported the very same principles, to class such men with those who wished to overturn the constitution.—It was said that there was no knowing where the reformers would stop, that if they obtained a moderate reform, they would contend for a reform indefinite, and inconsistent with the principles of the constitution. Was this a decent mode of arguing? If he was indebted to a man the sum of 100*l.* would it be proper to say when asked for it, "I will not pay you this 100*l.*, because if I do you will ask me for another; and there is no knowing where your demands will end." Surely the proper way would be to pay first what was due, and resist with firmness the demand of what was not. This he understood to be the principle of the association, for they said that when a moderate reform was obtained they would make a stand against all farther demands. For that declaration he thanked them, and heartily concurred with them in it. A noble duke had adverted to a former declaration of his on reviving the negative of the crown. He was not disposed to shrink from any thing he had said on that subject. His meaning was, that the other branches of the legislature being restored to what they ought to be, he should think it necessary to restore the negative of the crown. Even as things now were, he should advise the direct and open exercise of that negative, for which they who advised it would be responsible in preference to the indirect, unavowed exertion of influence, to which no responsibility could be attached. He should have thought it much more becoming the dignity of the crown, and the purity of the constitution, to have put a stop to the India bill, by a direct negative, than by such means as were pretty well known to have been employed to get rid of it. If any attempt should ever be made to overturn the constitution, of which so many fears were felt or affected, he was convinced that a noble, and almost unanimous concurrence of the people in its defence would effectually defeat such a wild attempt. He complimented lord Lauderdale on his speech, with which he said he agreed in almost every point. A noble duke had

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talked of French emissaries employed to introduce anarchy into this country, and had expressed his belief that Mr. Paine was paid for that purpose. If the noble duke knew of any such persons, it was his duty to have them apprehended and punished: he would not surely wish to asperse a man who was said to be already under prosecution. Let the law be enforced against all such persons, if any such there were; but don't let their lordships bring vague charges against the French, who had difficulties enough to struggle with already. He trusted he should never see anarchy, or any thing like anarchy, introduced into this country; as little did he wish to see it engaged in seconding the combination of kings against subjects, the power of arms against the progress of reason. On this subject he had never been without his apprehensions since our interference in the affairs of Holland. It was wise and meritorious to prevent that country from becoming the dependant of France; but when he looked at the sort of interference employed for that purpose, his mind recoiled from the view; while he approved of the end, he could not but condemn the means. In such an interference in the internal affairs of any country, he hoped this nation would never more be concerned. Let us be content with the prosperity which was pouring fast upon us, from the distresses and confusion of other countries; let us not seek to augment it, by indirect means. If seditious writings were disseminating among the people in God's name let them be prosecuted. Of the proclamation he disapproved entirely. It was not calculated to intimidate, but to provoke; not to quiet but to alarm; to irritate if there was a viper in the country; if a toad, to call it forth.

Lord *Grenville* defended the proclamation, which, he said, had been supported so ably by his noble friend who opened the debate, that he should have contented himself with a silent vote, had he not been called upon to state the meaning of the measure, and did he not think it the duty of every noble lord in the habits of speaking, to deliver his sentiments on so important a subject. He rose, therefore, to meet that question, which, he said, he would do by clearly and fairly stating his avowal of having advised the proclamation, and an explicit declaration of what was the object of it, what its occasion, how far it was adapted to that occasion, and the probability of its proving fully adequate to its object. His lordship expressed the highest satisfaction at the manner in which the address had been, he would not say supported, but countenanced on that side of the House, and by those least accustomed to concur with administration. He particularly alluded to the speech of the prince of Wales, and said, as every man must acknowledge with him, that the house of Brunswick had, on all occasions, manifested the greatest attachment to the constitution of this country, so must every man rejoice to see, that the princes of that house continued that attachment, and wished the people long to enjoy those blessings which they derived from that happy constitution. If he was asked, what was the reason that the proclamation stated that seditious publications were not only printed and published, but that uncommon pains were taken to circulate them, and whether that assertion was made on the single ground of the appearance of that one publication of Mr. Paine —a contemptible, trivial, and futile publication—he would answer, undoubtedly, not. He thought, he never read any work so destitute of argument, information, or the power of producing effect on those who were capable of reasoning at all. It was, because pains were taken to disperse the poison among those who could least judge of its mischievous tendency, by circulating in an uncommon manner, a great number and a variety of papers, containing doctrines of the most wicked and dangerous tendency. His lordship particularly stated, that these papers were dispersed among the soldiery in order to destroy subordination, and to create disaffection and disobedience in the army; and, he said, they would also find the same principles endeavoured to be dispersed among another body of men, of whom they could not speak too highly, he meant those who served in the navy of Great Britain. Nor was it only this; but there were persons avowing correspondence with foreign societies, persons whose conduct, if not put a stop to, would ultimately throw this country into a state of anarchy and confusion. His lordship declared, that it did not become this country to take a part in the internal troubles of France; but could he be of opinion that there were individuals in that country, who encouraged the propagation of such principles as were subversive of

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the constitution of Great Britain, and not take some measure to check the evil? He defended the views of ministers with regard to the proclamation, and denied that it could be considered as a party trick, played off for the sake of separating men who were accustomed to act together. If he were asked, if he saw any thing dangerous or criminal in the publications of the gentlemen associated for the avowed purpose of obtaining a moderate reform? he must answer, that hitherto he had not. If he had, their criminality would have inclined him to have acted in a different manner. As for the motives of those gentlemen, they could be known only to their own hearts; but whatever their motives might be, their conduct tended to give effect to what might produce dangerous consequences. He defended Mr. Pitt for his conduct respecting parliamentary reform; after which he produced the paper that had been at Yarmouth and at Norwich, and stated the three things which it held out as the immediate consequence of a parliamentary reform, viz. annual parliaments chosen by individual votes, the reduction of the price of labour, and an Agrarian law, or an equal division of all the lands in the kingdom.

Lord *Porchester* considered the proclamation as a wise and necessary measure, and could not think it was meant as any attack on the Association, or as a measure calculated to separate friends and break up a party, with whom he declared it to have been his pride to have acted so long and so uniformly on the subject of general politics.

Lord *Rawdon* said, he approved of the proclamation as a necessary measure, and should certainly vote with his majesty's servants, who, he thought, had done their duty in issuing it. He lamented, however, that the noble marquis who opened the debate, should so unnecessarily have attacked the gentlemen of the Association, and made it impossible for that sort of debate not to have taken place which they had all heard. He denied that there was any thing unconstitutional in the conduct of the Association; and said, he would put that conduct on the broadest ground of justification as constitutional, meaning to rest his objections against it on fair principles. His lordship having argued, that the Association had acted constitutionally, proceeded to prove that they, nevertheless, by attempting to tamper with the constitution, might produce dangerous consequences, and maintained, that every end conducive to the general good could be attained under the existing state of the representation. He did not think that a reform in parliament if obtained, would have all the good effect that was held out as the necessary consequence of it. He conceived, if any step was necessary, that it should be something that would lead to a greater attention in parliament to the voice of the people out of doors; for he was firmly of opinion that the sentiments of people fairly collected ought to have their due weight in that House and elsewhere.

Viscount *Stormont* supported the address. He said, it had been stated, that there was nothing in the present state of the country to alarm any persons but hungry courtiers and those who lived on the plunder of the people. This he denied, and showed, that not only hungry courtiers, but every man of property was anxious to preserve that constitution, under which we enjoyed so many blessings, rather than run any risk, by venturing on a reform suggested by wild theories and speculations.—The amendment was negatived without a division. The original motion was then put and carried.

Protest against the Address upon the Proclamation relative to Seditious Writings.] The following Protest was entered on the Journals:

1. "Because I think the honour and dignity of parliament trifled with by a solemn call, without any adequate cause, and upon slight pretences, to make unnecessary professions of attachment to the constitution, and of zeal for his majesty's government, and to concur in applauding his majesty's ministers for advising this extraordinary measure of a royal proclamation, and a recurrence to the authority of parliament; a measure not called for, and which appears to me much more calculated to awake causeless apprehensions, and excite unnecessary alarm among a people affectionate to the king, and obedient to the laws, than to answer any of those salutary purposes for which alone ministers should presume to use the royal name and authority.

2. "Because those writings which his majesty's ministers now consider as likely to disturb the public peace, and excite dangerous tumults, and of which the prosecution is, on a sudden, deemed by them

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indispensable to the preservation of order, and the security of government, have been permitted for a considerable time past to be openly, and, as is asserted, industriously disseminated through every part of the kingdom; and, therefore, if the principles thus propagated be so subversive of all order, and destructive of all government, and are at the same time so unfortunately calculated to make a rapid, alarming, and fatal progress in the minds of a peaceable and enlightened people, as ministers have, in debate, maintained, it would well become the care and wisdom of parliament, instead of committing its authority in the measures of executive government, and taking part in the ordinary execution of the laws, to inquire why so important a discovery was not made at an earlier period, and why the ministers have so long permitted the salutary terrors of the law to sleep over offences, the prosecution of which so highly imported the public safety.

3. "Because, if it be expedient to punish the authors and publishers of seditious writings, I think it the province of the executive government to determine upon that expediency, and to put the law in motion; and I cannot but consider as pernicious in its example, and unconstitutional in its principle, the present attempt made by the ministers to shelter themselves, justify their conduct, and cover what, according to their argument, has been their criminal negligence, by a measure of parliament. I believe the laws to be sufficiently efficacious for the punishment of such offenders as are described in the royal proclamation, and I see no reason why parliament should take from his majesty's ministers any part of the responsibility which appertains to their stations, of advising the crown, and directing its law officers as to the fit seasons and proper occasions on which any of the law, for preserving the public peace should be enforced; nor can I observe, without expressing my marked disapprobation, that the confidence which the public still place in the wisdom and integrity of parliament, notwithstanding all the attempts made by the present ministers to destroy it, is insidiously laid hold of by them to create public prejudice, and excite public indignation against those who are represented as obnoxious to the laws, and objects of prosecution. A sense of justice might have taught the ministers, that to fair and impartial trials, uninfluenced by any previous declaration, unprejudiced by any previous interference of parliament, even the authors and publishers of those writings that have at last awakened the attention of ministers, are entitled; and a sense of decorum should have restrained them from lessening the dignity, and committing the honour of parliament, by making it, indirectly indeed, but, to the common sense of mankind, obviously, a party in public prosecutions, which parliament is thus made to sanction and direct, and on which this House, in the highest and last resort, may have to sit in the impartial and uninterested, but awful, character of judges.

4. "Because, in this measure by which ministers in effect confess and record their past inattention to the dangers which they now deprecate, and their present inability to discharge the ordinary duties of their station without the extraordinary aid of parliament, the public cannot fail to perceive that weakness and inefficiency in his majesty's councils, which are more hurtful to the true interests, and more derogatory from the just authority of government, than any imaginary progress which, with great injustice to a loyal people, ministers attribute to the principles asserted in the writings of which they complain.

5. "Because, when I consider how long the ministers have viewed with unconcern the circulation of those opinions, at the consequence of which they now affect to be alarmed, and when I recollect that of all those societies for the purpose of obtaining a reform in the representation of the people, and mentioned in the debate, one only, is of recent origin, I have but too much reason to believe, that under whatever form they have disguised their design, the real object of ministers has been to subject to suspicion, and distrust the principles, misrepresent the views, and calumniate the intentions of that association of respectable persons lately formed for purposes the most virtuous and constitutional, upon principles the most pure and disinterested, to be pursued by means the most legal and peaceful; wielding no weapons but those of truth and reason; using no efforts but those of argument, unsupported by party; appealing only to the sense and judgment of a public deeply interested in the objects of their pursuit, and not presuming to demand any personal credit but what may be derived from their steadiness, consistency, and integrity. This society

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appears to be the only one which has excited the jealousy of those ministers from whom justice has extorted an admission in debate, that nothing offensive, or even improper, has proceeded from it. Of those ministers, some of whom have themselves engaged, but to a much greater extent, and upon much broader principles in the prosecution of the same general objects, the attainment of which they declared not only indispensable, but alone capable of preserving the liberties of the people, and perpetuating the blessings of the constitution; but which objects, with the peaceful possession of power and emolument, they have long neglected and lost sight of, and now, at last, in the face of the public, in defiance of the most solemn engagements, unblushingly abandon. Such are the ministers who have presumed to use the royal name and authority to a proclamation, by which insinuating the existence of dangers, of which even some of their most confidential friends have declared their disbelief, they vainly hope to divert the attention of a discerning public from their apostacy from principles, and their dereliction of opinions which paved their way to power, and for which they stood deliberately and repeatedly pledged to a generous, confiding, and, at last, deluded people.

6, "Because, if the objects of that Association thus particularly aimed at by his majesty's ministers were not expressly justified by their former principles and professions, as the act itself of associating to pursue those objects is sanctioned by their former conduct and example, I should still see nothing in it to discommend, but much to applaud. A moderate and temperate reform of the abuses of the constitution is due to the people, who being on their part, just to the monarchical and aristocratical branches of the constitution; who commit no invasion of the rights, and seek no abridgment of the powers of either, are entitled to have their own share in the legislation of their country freed from the unjust usurpation of others, and to possess uninvaded, and to exercise uncontrolled by the other branches of the government, those rights, which this happy constitution in the matchless excellence of its principles has solely and exclusively allotted to the people. A reform of such a character and description may lessen the means and diminish the opportunities of corrupting legislation both in its source and in its progress; it may reduce the influence by which unconstitutional ministers preserve their power, but it will save the nation from their profusion, and perpetuate that constitution which all equally profess to venerate. Such a reform, I believe, cannot with perfect safety be long delayed—the more readily and cheerfully those rights which belong only to the people, are restored by those who at present in too many instances possess and exercise them, the more firm and established will be the present happy form of our government, the more safe from risk and danger will be the just prerogatives of the crown, and the peculiar acknowledged hereditary privileges of this House.

"LAUDERDALE."

Debate in the Lords on Mr. Fox's Libel Bill.] June 1. The House went into a committee on this bill. The first clause that follows the preamble having been read a first time,

The *Lord Chancellor*, before the clause was read a second time, wished to submit to their lordships the necessity of so amending the bill, as to make it conformable to what its principle, if any principle it had, pretended to be. He contended for the doctrines he had stated in the former debate; justified the learned judges for the opinions they had delivered; asserted that the bill would go out of the House, a parliamentary condemnation of the opinions and rules of practice which they had entertained and acted upon in pursuance of the example of their ancestors; and that the effect of the bill, with respect to them, would be the sending them down to their circuits this summer, to put the king's proclamation in force, loaded with the reproach of having mistaken and misapplied the law of England with respect to libels, and a variety of other analogous points of legal dispute that came before them.—He discussed the distinction between the doctrines of law which he had ever been taught to believe to be sound doctrines, and those insisted on by the supporters of the bill. He cited precedents from the law books. In the mention of the case of Owen, he said, that Mr. Ford, a lawyer of high character and great ability, had lent himself so wholly to his client, that he addressed the jury in an extraordinary manner, insisting that the fact and certain other points were absolutely necessary to be proved, which every professional man knew were not ne-

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cessary to be proved at all, the jury found a verdict of, not guilty; on which the judge asked, if they did not believe that the fact was proved? when the jury, ashamed to confess that they did not, said, their verdict was, not guilty, and that verdict they would abide by.* He was unfortunately old enough to remember that trial, though not then at the bar, and he well recollected, that the conduct of Mr. Ford was in Westminster-hall universally reprobated. In particular, in a conversation which he had held at the time with Mr. Wilmot, afterwards chief justice Wilmot, and another counsel of eminence; they shook their heads, and expressed surprise that a man so conversant in law as Mr. Ford, should have been led so to influence a jury. He took notice of lord Loughborough's declaration, that libel was an undefined word, not known by the criminal laws as a technical term, and always explained by an innuendo, as seditious, false, scandalous, &c. He was a little surprised at this, as lord Coke had both defined and described it. Libel, according to lord Coke, was an abridged translation from the latin *libellus famosus* meaning *scriptura famosa*, or writing fixing an imputation of a scurrilous sort upon another man. But even if libel had been a word of art or technical term not mentioned in an indictment or information, that amounted to nothing: as in the case of larceny; every man knew what larceny meant, and yet the word larceny never appeared in an indictment.—As the bill stood at present, it was negative merely, and only directed the judge what he should not do; whereas, to make out its principle, it ought either to declare or enact what he should do, and not leave him at a loss as to the duty that was expected at his hands. Their lordships were bound, since they took upon them to give new powers to juries, to instruct the judges how they ought to act; and therefore, on the mere ground of making the bill consistent, he should move that the words "that the judge state to the jury the legal effect of the record," be inserted in the clause.

Lord *Loughborough* said, that as to the amendment, the only meaning of the words that he knew of, was to give back to the judge that right and authority to direct a jury, and take the framing of their verdict into his own hands, which it was the principle of the bill to take from him. If it meant no more than to introduce a clause, stating that to be the duty of the judge, which was already the duty of the judge in all cases to do, viz. to state to the jury what the law was, and to let them apply it to the fact, it was superfluous; because, a provision was made for it in the very next clause.

Earl *Camden* said, that nothing could be more disorderly than to go back to the principle of the bill, and to refer to former debates. He must contend, that the jury had an undoubted right to form their verdict themselves according to their consciences, applying the law to the fact; if it were otherwise, the first principle of the law of England would be defeated and overthrown. If the twelve judges were to assert the contrary again and again, he would deny it utterly, because every Englishman was to be tried by his country; and who was his country but his twelve peers, sworn to condemn or acquit according to their consciences? If the opposite doctrine were to obtain, trial by jury would be a nominal trial, a mere form; for, in fact, the judge, and not the jury, would try the man. He would contend for the truth of this argument to the latest hour of his life *manibus pedibusque*. With regard to the judge stating to the jury what the law was upon each particular case, it was his undoubted duty so to do; but, having done so, the jury were to take both law and fact into their consideration, and to exercise their discretion and discharge their consciences. With regard to an action for a libel, the case was there ten times stronger; for, on an action, damages were laid in the declaration; and how could a jury, as honest men, give damages, if they did not take the whole of the case into their consideration? With respect to the amendment, it struck him as an attempt indirectly to convert the bill into the very opposite of what it was intended to be, and to give the judges a power ten times greater than they had ever yet exercised.

The amendment was rejected.

The *Lord Chancellor* then wished to know whether the learned lord would consent to a clause being inserted in the bill to do justice between the public and defendants prosecuted for libels. This clause was to grant a new trial, if the court should be dissatisfied with a verdict given for the defendant.

* See 18 Howell's State Trials, 1238.

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Earl *Camden* said, What! after a verdict of acquittal?

The *Lord Chancellor*. Yes.

Earl *Camden*. No, I thank you.

The bill then passed the committee.

June 11. On the third reading of the bill,

Earl *Bathurst* said, he could not suffer a bill which took away the rights of judges so completely as this did, to pass, without delivering his sentiments upon it. In order that those of our posterity, who might think it worth while to refer to the memory of his name, or to his character, or opinion, might really understand his sentiments, he begged leave to declare that he protested against this bill, and was decidedly against its form and principle.

The bill was read a third time and passed.

Protest against passing the Libel Bill.] The following Protest was entered on the Journals:

"Dissentient,

1st, "Because the rule laid down by the bill, contrary to the determination of the judges and the unvaried practice of ages, subverts a fundamental and important principle of English jurisprudence, which, leaving to the jury the trial of the fact, reserves to the court the decision of the law. It was truly said by lord Hardwicke, in the court of King's-bench, that if ever these came to be confounded, it would prove the confusion and destruction of the law of England.

2dly, "Because juries can in no case decide, whether a matter of record be sufficient upon which to found judgment. The bill admits the criminality of the writing set forth in the indictment, or information, to be matter of law whereupon judgment may be arrested, notwithstanding the jury had found the defendant guilty. This shows that the question is upon the record, and distinctly separated from the province of the jury, which is only to try facts.

3dly, "Because, by confining the rule to an indictment, or information, for a libel, it is admitted that it does not apply to the trial of a general issue, in an action for the same libel, or any sort of action, or any other sort of indictment, or information: but as the same principle and the same rule must apply to all general issues, or to none, the rule as declared by the bill is absolutely erroneous.——*(Signed)*—Thurlow, C., Bathurst, Kenyon, Abingdon, Walsingham, John Bangor."

Debate on the East India Budget.] June 5. The House having resolved itself into a Committee of the whole House, and the East India Company's Revenue accounts being referred to the said committee,

Mr. *Dundas* rose and said:—I am perfectly aware of the awkwardness which must attend any detail of the finances of India, brought forward in the midst of an extensive and complicated war, which must necessarily derange the affairs of that country, and disturb the system of economy and regulation, so essential to the government of those distant provinces. But as my silence might be misconstrued, and it might be imputed to me that I was disposed to shrink from the view of the present state of India, I rather chuse to encounter any temporary inconvenience which may attend the present statement; and the more so, because I am certain, that although the materials upon which I am to proceed are, in some particulars, imperfect, they are fully sufficient to dispel every idea of despondency, or even of uneasiness on the subject. Agreeably to the resolutions of the committee of last year, the gross revenues of India in the year 1789-90 amounted to 7,043,783*l.*, the charges, including those of Bencoolen and Prince of Wales's island, amounted to 5,460,218*l.* and the interest of debts payable that year, amounted to 438,426*l.*, so that the surplus was 1,145,139*l.* Adding to this the amount received from the sale of import goods and from certificates, being 263,940*l.*, the amount applicable to the purchase of investment and the payment of commercial charges was 1,409,079*l.*—Before proceeding to the statement for the year 1790-91. it is proper to observe, that with respect to the receipts and expenses of the governments in India for that year, there are considerable difficulties arising from the war in which that country is involved. For although a general statement of the receipts and payments in the year, and the amount of debts at its close, has been received from Madras, yet it appears that the government there had not been able to make their army accounts complete to the 30th April. And with respect to Bombay, there is only recently received a

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very general abstract of the receipts and disbursements from thence for the year 1790-91; and the amount of debts there, on 30th April 1791, has necessarily been taken in some degree on estimate, for want of adjusted accounts from the army on that side of India. Under all these circumstances, it is impossible that a statement completely satisfactory can be submitted to the committee; but from comparing the different accounts with each other, such a result may be drawn, as though not minutely accurate, will be sufficiently so to give a general idea of the state of the finances of India at the begining of the year 1791.

And first, as to BENGAL.—The first resolution voted in the committee of last year was, that the revenues of this province on the average of the three years, 1787-8 to 1789-90 inclusive had amounted to 5,454,106*l.* The resolution proposed to be adopted this year is the average of the three years 1788-9 to 1790-91, as contained in the account, from which it appears that the revenues on this average have amounted to 5,560,586*l.* The next account I wish to refer to is a comparative statement of the estimated and actual revenues and charges for the year 1790-91. The revenues were estimated at 5,223,943; they amounted to 5,522,292*l.* The actual receipts therefore exceed the estimated amount by the sum of 298,349*l.* The charges were estimated at 3,183,221*l.*, the actual amount was 3,225,927*l.*; so that the actual exceeded the estimated amount of charges only in the sum of 42,706*l.* Deducting therefore the excess of charges above the estimate from the excess of receipts above the estimate, the result of the whole is more favourable than was estimated by a sum of 255,643*l.* I do not, however, wish to convey to the committee an idea that the Bengal government had been guilty of any material error in calculation, and far less do I wish to mislead them into an idea, that the circumstances which have occasioned this favourable result are to be considered as permanent. [After directing the attention of the committee to a more minute examination of the items which compose this comparative account, Mr. Dundas continued]

I proceed next to direct the attention of the committee to the prospect of receipt and expenditure held out by the Bengal government for the year 1791-2. The revenues for this year are estimated to fall short of their amount in 1790-91 by upwards of forty-six lacks of rupees. Of this the decrease in the land revenues amounts to 43,924*l.* But the committee will recollect, that I have already observed that the state of the country for some years past has been such as to enable the landholders to pay up great part of their old arrears, which, of course, encreased the receipt in those years. But as there no longer remains a larger amount of arrears uncollected than what may be supposed to be annually outstanding of so large a revenue, the accounts of which are made up to a particular day, the estimate is very properly formed on the principle of realizing only an amount equal to the jumma, or current rental of the year. And here it is proper to observe, that not only the sum estimated to be received in the year is less than the amount collected in the preceding years, but also the jumma, or settled rent, is less; for according to the system which formerly prevailed, the lands of these provinces have been let every year at such a rent as could be agreed upon between the landholders and the company's servants, and therefore the amount varied as the season appeared likely to be favourable or otherwise. This settlement was afterwards subject to remissions and various adjustments, according as the seasons turned out, which frequently led to tedious discussions and altercations. To put an end to these, and to contribute as much as possible towards the prosperity of the country and the consequent happiness of the inhabitants, orders were sent from home as early as 1786, to the Bengal government, to form a permanent settlement with the landholders of the amount to be annually collected from those provinces, which should not be subject to such variations. The jumma on which a settlement for ten years has been made, is about 3,010,000*l.* which is CRs. 9,35,691 less than the average collections of the three preceding years. On this jumma the estimate for 1791-2 is formed; and the Sayer duties, and some other extra collections, formerly included in the land revenues, being abolished, accounts for the difference between the amount expected in this year and the actual receipt of the preceding; and the circumstance of the collections being stated at so moderate an amount, removes every apprehension of their not being realized.

But the great defalcation in this esti-

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mate is in the article of salt, being no less than forty-three lacks of rupees, or 433,978*l.* below the actual receipt in the preceding year: for the quantity sold in that year, having been so much above the quantity sold in preceding years, it could not be expected, without supposing an extraordinary increase of population, and a consequent increase of consumption, but that a considerable part of that salt would remain on hand towards supplying the following year's consumption. Accordingly, the quantity estimated to be sold in 1791-2 is only thirty lacks of maunds, which, as the price was reduced to the moderate rate of little more than 200 sicca rupees per 100 maunds, would produce only sixty-two lacks of sicca rupees, or seventy-two lacks of current rupees, as stated in the estimate.

The charges for this year are estimated at CRs. 21,42,901 less than the amount incurred in 1790-91. Of this the military charges are computed at CRs. 6,12,647 below their actual amount in the preceding year. The revenue charges are estimated at eight lacks and a half below their actual amount in 1790-91. The decrease of six lacks and a half in the salt advances and charges below their amount in the former year, is accounted for by the quantity expected to be manufactured and sold, being much less than it was in 1790-91. Taking the estimate, however, as it stands, the revenues are expected to amount to 5,055,640*l.*; and the charges to 3,011,637*l.*; nett revenue 2,044,003*l.*; which is 252,361*l.* less than the surplus of the preceding year.

Madras.—The amount of the revenues of the Madras government, on the average of the three years, 1787 to 1790, were stated last year at 1,265,357*l.*

The annual average revenue, from 1788-9 to 1790-1 is 1,440,781*l.* But it is to be observed, that in the latter of those years the countries of the nabob of Arcot and rajah of Tanjore, in consequence of the present war, and the failure of those princes in their pecuniary engagements, were assumed by the government of Madras, and put under the management of the company's servants. The revenues collected in that year were therefore under a different arrangement from the two former, and consequently the average of those three years can be of no service towards showing the amount of the probable collections in future years. Neither can the collections made in 1790-91 be any criterion by which to judge of the probable annual revenues under the present system; for the country being assumed in August 1790, the collections to April 1791 could be made for only nine months of the year and in this period considerable loss was sustained by the incursion of the enemy into the Carnatic.

On a comparison of the estimate for this year with the actual result, as far as the same can be made up, the revenues for 1790-91, that were estimated to amount to 1,766,376*l.* actually amounted to 1,644,222*l.* The charges were estimated at 2,548,575*l.*, the actual amount was 2,686,304*l.* Adding, therefore, the deficiency of revenue to the excess of charges, the actual result is worse than it was estimated by 259,883*l.* The excess of charges arises chiefly from the expense of collecting the revenues of the assumed countries, and the payment of the proportion of those revenues to the nabob and rajah, which were not included in the estimate of last year. The company's land revenues also fell short of the amount at which they were estimated by pagodas 3,48,121; and the sum paid by the rajah of Travancore was not included in that estimate, it having been supposed that his subsidy would have been applied towards the expenses of the army on the Malabar coast, and be carried to the Bombay accounts. On the whole, the excess of charges above the revenues collected in the year was 1,042,081*l.* In the estimate for the following year, 1791-2, the revenues are estimated to amount to 2,455,786*l.*, and the charges to 2,808,374*l.*, excess of estimated charges 352,588*l.* Upon these estimates I shall, as usual, move resolutions; but I must repeat the observation I made in the former year, that so long as there is a war in India I must speak with diffidence of estimates, the realization of which is liable to be prevented by the various contingencies to which a country, in such case, is necessarily subject.

Bombay.—The only account of the receipts and disbursements of the presidency of Bombay, different from the statements laid before the House last year, is an abstract of the receipts and payments for the year 1790-91, which was received at the India-house on the evening of the 29th ultimo. This account is only a very general abstract, and no explanations are given of the particulars,

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so that only few remarks can be offered upon it. Taking the account, however, as it stands, it appears that the revenues of Bombay, in 1790-91, amounted to 183,946*l.*; they were estimated to amount to 266,373*l.*; revenues, less than estimated 82,327*l.*; this is, in a great measure, accounted for, from the subsidy paid by the rajah of Travancore for the troops sent to his assistance having been carried to the Madras accounts, but which was estimated in the Bombay statements to be applied towards the payment of the detachments from that presidency. The subsidy so estimated was 66,700*l.*, which is 15,627*l.* less than the deficiency of the actual account below the estimate.—The charges of the year 1790-91 are stated in this abstract account to have amounted to 1,112,437*l.*; they were estimated at 788,423*l.*; charges, more than estimated 324,014*l.*; this excess of expense above what was estimated is totally in the military charges; the civil, marine, &c. having been, on the whole, less than the estimate. The increase of military charges may be attributed to the large quantities of stores and provisions which had been collected at Tellicherry, &c. for the support of general Abercromby's army, and towards supplying the grand army under lord Cornwallis, in the event of their being able to effect a junction. The quantity thus provided was so great, that in June 1791, after general Abercromby had descended the Ghauts, he had remaining near five months rice for 40,000 men, exclusive of provision sufficient for his own troops during the monsoon. The greatest part of these provisions must have been collected previous to his ascending the Ghauts, and, of course, the sums advanced for the purchase of them would form a part of the expenses incurred before the close of the preceding year (30th April 1791) and be included in this abstract. Strictly speaking, therefore, the whole of this expenditure cannot be considered as belonging to the year 1790-91, as a part of it was applied to the purchase of provisions for the use of the army in the following year.

Bencoolen and Pinang.—The small revenues of Bencoolen were stated, in last year's accounts, to have amounted, on the three years average, 1786-7 to 1788-9 inclusive to 3,261*l.*; these revenues as stated for the years 1787-8 to 1789-90 inclusive, amounted on the average to 3,550*l.*; the supplies from Bengal to this residency and to Prince of Wales's island were last year estimated by the Bengal government to amount to 50,000*l.*; exclusive of the pay of the detachment serving at Prince of Wales's island, which is included among the Bengal military expenses. The actual amount supplied in the year appears to have been 62,018*l.*; which is more than was estimated by 12,018*l.*; but it is to be observed, that a part of these supplies consisted of opium sent thither for the purposes of trade.—The supplies estimated for 1791-2, amount to 50,000*l.*

General View.—According to the several accounts which have been already explained, the aggregate amount of the revenues and charges of the British possessions in India, for the year 1790-91, was as folllows:

Revenues.	
At Bengal	5,522,292
Madras	1,644,223
Bombay	183,946
£.	7,350,461

Charges.	
At Bengal	3,225,928
Madras	2,686,304
Bombay.....	1,112,437
	7,024,669
£.	325,792
Supplied from Bengal to Bencoolen and Pinang.....	62,018
£.	263,774
To this adding the amount received for the sale of import goods and certificates	327,877
The total is..... £.	591,651
The interest paid at Bengal..	301,524
At Madras	173,830
At Bombay.....	116,154
Total interest to be deducted	591,508
Remains ..... £.	143

India Debts.—The next accounts to be referred to are those which respect the debts owing by the company in India, and the variations which have been made in their amount during the year 1790-91.

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The statement of these debts on the 30th of April 1790 was laid before the House last year, and the amount was 7,056,652*l.*; by the accounts now before the committee the amount on the 30th of April 1791 was 8,150,936*l.*; the addition, therefore, which had been made to the debts, in the course of the year 1790-91 was 1,094,284*l.*; but this is not the whole increase of debt that had been made in the course of that year; for it appears that there had been subscribed to the plan of remitting the debts home 688,044*l.*; if, therefore, no debts had been remitted home the increase would have been 1,782,328*l.*; instead, therefore, of the company's finances being oppressed by the heavy burthen of five, six, or twelve millions, which some gentlemen so pathetically lamented last year, the first year's war leaves those finances nearly in the same state at its close as at its commencement; and if a considerable allowance be made for any deficiency in the statements from India, it appears that not more than half a million ought to be charged against the general state of the company's affairs.

Considering all the circumstances which I have explained to the committee, relative to the state of the company's finances in India at the close of the year 1790-91, I feel myself warranted in believing, that the expenses of the year 1791-2 will not exceed those of the preceding year; and if this belief be well founded, it follows, that the increase of the burthen on the revenues of India, during this year, will be considerably less than was made in 1790-91; because so large a portion of the expenses has been provided for by the resources above alluded to. I shall not detain the committee longer; but to save any gentleman the trouble of putting the question to me, whether I adhere to the hopes I gave last year, "that the day is much nearer, when the resources of India will administer aid to the revenues of this country, than that on which we are to apprehend, that India will call for aid from the finances of Great Britain?" I anticipate the question, and answer in the affirmative; and the only difference is, that I am more sanguine in those hopes than I was at the time I first expressed them.—Mr. Dundas then moved his first resolution.

Mr. *Francis* said, that, uninformed as he was, he could have nothing to oppose to the statements and accounts brought forward by the right hon. gentleman, who possessed all the means of official information, and who was answerable to the House and to the public for the accuracy of the particulars he had stated. He should therefore take the particulars of these details for granted, on the authority of the right hon. gentleman. That the general results and conclusions were of a nature more obvious and intelligible, as well as much more important, than a multitude of items, out of which any ingenious person, who had the command of the figures, might argue and conclude whatever he thought proper. On those he should offer a few remarks, rather as a caution to the House and to the nation, than with a view to controversy of any kind. The right hon. gentleman had talked of the flourishing state of the revenue of Bengal; he had said, that the ten years settlement of the lands was to be perpetuated; that the lands were fully able to bear the present assessment; that the landholders were perfectly satisfied; that they paid their rentals without difficulty, or ever being distressed; and that there was a certain prospect of increasing revenue and increasing prosperity in the province of Bengal. Mr. Francis said, that he certainly approved of the principle, said to be now at last adopted, of fixing and perpetuating the property of the lands in the hands of the zemindars, who were the true owners; he had earnestly recommended this plan himself, so long ago as the year 1776, as well as many others for the better government of Bengal, by which other persons had profited, and for which he had never received either thanks or credit. *Sic vos non vobis.* As to the brilliant description given by the right hon. gentleman of the flourishing and prosperous state of Bengal, he had many doubts. He could not affirm that he had authentic accounts of the contrary; but he constantly saw in the Bengal newspapers advertisements of the sale of lands, seized for want of due payment of the revenue. In short, there was scarcely one paper which did not contain one or more advertisements of that kind, that had been published at Calcutta for some time past. He said, he held in his hand two of these advertisements, which he had that morning selected out of a great number of others. The one announced a sale of seventeen villages, on the 27th of December, 1791, and the other a sale of forty-two villages on the

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30th of November, 1791. Mr. Francis considered these advertisements as undeniable proofs of the reverse of the right hon. gentleman's statement, knowing, as he did, how much a Hindoo will suffer, rather than part with the smallest portion of his landed property. That Bengal, even under the best European government, must be, from the necessary effect of its political situation, a declining country. That the ruin of distant provinces, so circumstanced, might be accelerated by abuses, or retarded by prudence and honesty in the administration of its government; but sooner or later it must happen. In support of this opinion, founded on his own observation and experience, as well as on all the general considerations that belonged to such a subject, he should content himself with appealing to the specific evidence of lord Cornwallis, who, in a letter to the court of directors, dated 2d of August, 1789, had given them the following material information: "I am sorry to say, that agriculture and internal commerce has, for many years, been gradually declining, and that at present, excluding the class of Shroffs and Banians, who reside almost entirely in great towns, the inhabitants of these provinces were advancing hastily to a general state of poverty and wretchedness, and in this description, I must include almost every zemindar in the company's service." In another minute, dated 8th of September, 1789, lord Cornwallis said, "I can safely assert, that one third of the company's territory in Hindostan is now a jungle inhabited by wild beasts." But, if that were true, as it certainly was, it was not very likely that in the districts, bordering on jungles so inhabited, there should be any great invitation to population and improvement; and if this was the case only two or three years ago, Mr. Francis desired to be informed what favourable events, what rapid changes, had happened in the interval, which had so much improved the situation of the country and its inhabitants, as to warrant the hon. gentleman in the dazzling picture he had drawn of their happiness and prosperity. We have heard of nothing but the war with Tippoo, which had obliged lord Cornwallis to quit the seat and center of his government, to reduce the investment, to borrow money at 12 per cent., to drain Bengal of its remaining specie, and to carry it with him to the Mysore country for the support of the war.

The right hon. gentleman had said, that the assessment of the revenue had not been increased. It might be so; and yet it would not follow that the people could bear it in their present circumstances. He understood that the estimate was made seven years ago, and might be moderate then, but if the country had declined, and was declining, it could not bear the same assessment. The sale of lands was a proof that it could not, and they all knew what bankruptcies, and ruin, and stagnation of trade had happened in Calcutta. The crops of grain had failed in the northern circars, and a famine had threatened; and even in Bengal, they were so apprehensive of a scarcity, that government had been obliged to prohibit the exportation of grain (almost the only considerable article of export, for which the country received a return) and to order the ships in the river to be unladen. In former times, Great Britain had received great supplies of merchandize and money from Bengal, whereas now they were come to the reverse; the tables were turned on us, and we sent specie thither, instead of receiving it from India. If that practice were to be established, and to continue as a system, Mr. Francis said, we had better give up Bengal at once. It had been acknowledged by Mr. Dundas, that, in the course of last year, the court of directors had sent out a million in specie to Bengal; and he desired to know, if that was to be taken as a proof of the flourishing state of the province? With regard to the war, the right hon. gentleman, Mr. Francis said, had charged gentlemen with having sacrificed to their gloomy fancies; and giving way to their desponding imaginations, had talked of the great expenses and burthens it had and would occasion. He would not answer for what others might have said, but his assertion, a year ago, was, that the war could not cost less than four millions sterling, if the whole account had been made up and closed at that time and he saw no reason to alter his opinion. Supposing it to be true, as he understood the right hon. gentleman to assert, that the whole expense of the war, up to the date of the latest accounts (except a little balance of 276,000*l.*) had been provided for, without incurring a proportionate increase of debt (the possibility of which, though he would not dispute, he believed he should hardly admit on any human evidence) still it was obvious that, if you applied your surplus to the expenses of

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the war, you must take it from a much better destination, from the reduction of old debts, and from the provision of an investment. To continue an old debt, which might have been paid off, was the same in effect as incurring a new one. To contract your investment, or to purchase it with money sent from England, or borrowed in India, when, without the war, you might have had a much greater, without either loan or remittance, was just as much an invasion of your resources, and an incumbrance to your finances, as if you had borrowed so much money directly and avowedly for the support of the war. The difference was only in the form of drawing up the account. The effect and substance were the same. It was a material question, Mr. Francis said, and a question to be answered: did the accounts stated by the right hon. gentleman include all the military charges, or did they leave great arrears, unprovided for, under the head of contracts, grain, cattle lost, &c., &c.? Recollecting that, year after year the arrears of the last war made part of the annual disbursements, he declared he should be surprised a little at hearing that all the bullocks, &c. were paid for immediately, and if they were to be paid hereafter, the real expense of the war was kept out of sight, and left to be provided for at a future distant period. These arrears would be found to act like an unfunded debt on the territorial revenues, long after lord Cornwallis might have quitted India. The right hon. gentleman well knew, that the outstanding claims, on account of the preceding war, had not been liquidated in less than seven years after the peace. Were they completely discharged at this day?

On one particular article he wished for an explanation, because he believed it would be found considerable in the amount. The right hon. gentleman had said, that lord Cornwallis subsisted his army by grain got from out of the enemies country. He believed, Mr. Francis said, that the grain so obtained, was considered by the army as prize grain, for which they would expect to be indemnified in money. He wished to know if it was so or not; because if it was, there would, by and by, be a considerable claim on the company, or on government on that head.

Mr. Francis then said, that he could not sit down without expressing the surprise he felt at observing that, on such a day as the present, the right hon. gentleman, in so long a speech about the affairs and situation of India, should not have thought it proper to say one word about the actual state of the war, or to give the House the smallest light or expectations about its probable continuance, or in what way and at what period it was likely to be concluded. That gentleman had come into power upon a declared system of pacific policy, and limited dominion. But, no sooner did he find himself firmly seated, than this professed plan, with all the fine principles belonging to it, was abandoned and the old system of war and conquest, so often reprobated and condemned, and by nobody more than himself was completely resumed. If we were not driven by downright necessity into the present war, it must be then, what he had always thought it, a war of pure policy at the best; but, in his opinion, of mere ambition. But, let the war be what it would in its principle or its object, we had a right to know how it actually stood, by the latest accounts; what effects it had produced, and what we had gained or suffered by it. Had the House, he asked, any idea of the miseries suffered by the army, of which he did not doubt that lord Cornwallis had his full share, miseries that, when they came to be known, would make the stoutest heart tremble, and yet they were from time to time told that the army were always in high spirits? Was it nothing to reflect on the sufferings of countries where the war was carried on? As the right hon. gentleman had set him the example of reading private letters, he would, Mr. Francis said, take the liberty of reading a few lines from a letter which he had lately received from a person in India, whose situation enabled him to be well acquainted with the facts he had stated. Mr. Francis then read the following:—Extract of a private Letter from India, dated in November, 1791; "The Mahratta and nizam's forces have burnt, plundered, and devastated wherever they have marched, and it is impossible to give any probable computation of the number of unfortunate people who have already perished by this war, and its consequences; but I am confident I should not exceed the truth, if I put it at above one million of souls."

Mr. Francis concluded with saying, that as he could not oppose contradictions to what the right hon. gentleman had stated, he must content himself with the reflection, that the right hon. gentleman was

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responsible not only for the truth of the detail and statements which the committee had heard, but for all the general conclusions drawn from them. Mr. Francis declared that he had hoped to have received some assurance of the probability of peace being restored to that unhappy country; but now, at the end of two years, in which the war had been carried on with glory and success, the right hon. gentleman had left us, by his profound silence on the subject, to our own opinions and conjectures, and just as much in the dark as ever about the probable end of it.

Major *Scott* said:—I look upon this day not to be appointed for a mere discussion of the accounts presented by the India minister, but as a day on which we are to consider the past and present state of our Eastern empire; and in that view I shall trouble you with my sentiments. The House well knows, that this is the sixth year in which the right hon. gentleman has given us his India budget. The House also knows, that it is the sixth year of the impeachment of Mr. Hastings. I am addressing myself to gentlemen, to men of sense, of conscience, and of honour; but how they can reconcile it to their consciences, or to honour, to approve, as they do, year after year, of every statement delivered to them by the right hon. gentleman, and which I know to be strictly true; how they can agree with him, year after year, that India is in a most flourishing state, and Bengal the best governed country in India—how they can also agree year after year, in those representations which are annually made, in their name, in Westminster-hall, by the managers of this House, manifestly and directly contradicting every thing that the right hon. gentleman states here; how they can hear them represent Bengal as a country desolated and destroyed; the natives suffering under the most grievous oppression: how, I say, gentlemen, possessed of common feeling, can submit to such miserable contradictions, is to me most astonishing. It is said, that Bengal is a declining country. It is with something more than wonder, that I find an hon. gentleman still persisting in so strange an assertion, against such a mass of irresistible evidence, that proves the reverse. The revenue arising from land is three millions sterling a year. Can a country be ruined, which produces for so many years, so equal a revenue? The other resources of the government of Bengal have been annually improving, from the moment Mr. Hastings arrived in Bengal. The journals of this House say also, that Bengal is a declining country. But allow me to add, that for the six following years, the journals also contain the resolutions moved by the India minister, which prove the falsehood and the folly of the articles, which are so filled with ruin and destruction. That both should stand upon the journals is, in my opinion, a high disgrace to the dignity of parliament. And now, to return to the right hon. gentleman. After giving us the same flattering account this year as in former years, after stating the resources of the Bengal government at five millions and a half, or very near it, he says that the company's affairs have improved above one million sterling a year, for the four years from 1786 to 1790. I entertain no doubt of the fact; and will show the House, how the right hon. gentleman has got that annual million of which he boasts. It arises from sources actually created by Mr. Hastings, and branded upon your journals with every opprobrious epithet that the malignity of man can bestow upon them. Increased rent of Benares 170,000*l.*, salt 600,000*l.*, opium 140,000*l.*, Oude 200,000*l.* Total 1,110,000*l.* The truth is, that the total resources of Bengal, when Mr. Hastings left it, were more than two millions a year higher than when he came to it. But for what he has done, under these four heads, he is branded by disgraceful epithets upon your journals. At this very minute he is defending himself against the Benares charge; and such is the disgraceful inconsistency of the king's India minister, that he takes each year, without a scruple, what, upon his ideas are the wages of iniquity. He has no objection to the public receiving the increased rent of Benares, and persecutes Mr. Hastings for having procured it. The time will come, I am confident, when such conduct must be universally reprobated.

General *Smith* said, it had been observed, that the state of the Bengal revenue was good; for his part he thought it too good. He had all along said, the governor-general must be his own chancellor of the exchequer, yet he could not have thought he would have proved so good a one. Provision, he had said, from all the provinces in India, would be procured to supply the British army; the nature of the case absolutely required it,

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and he had no doubt but the event of the war would turn out favourably to this country. He could not bear to hear it said, that it was a war of policy. He should ever contend, that it was a war of necessity and a war of honour, and the success of it hitherto, as well as the state of the expenses of it, were, he declared, beyond his most sanguine expectations. With regard to sending our money to India, if money was required there, it must be sent. It was by that means that we were enabled to preserve our possessions and carry on the former war. On a former occasion he had said, he wished peace never to be made between Tippoo Saib and Great Britain, till the former was extirpated; and in that declaration he was justified, because it had been clearly proved, that when Tippoo signed the treaty of Coimbatore, he immediately broke it, and instead of letting the garrison march out as was stipulated, he sent them all prisoners up the country. That last act of treachery, were there no other, ought to teach us how to deal with Tippoo; and when he reflected on the number of our gallant countrymen, who had been murdered by him, and that no faith was to be held with so faithless a tyrant, he was more than ever fixed in his opinion.

Mr. *David Scott* said, he should not have intruded himself on the notice of the House were it not that Mr. Francis had dropped some opinions in regard to our possessions abroad being in a declining state. The hon. gentleman had instanced in the advertisements of old Gazettes said to come from Bengal, that at two different places, villages had been sold, because the renters could not pay their rent, which the hon. gentleman had said, was a proof of the country being rack rented. Now, such sales could be no proof; for in such an extensive country, could they suppose no extravagant possessors? Must there not be extravagant heirs there as well as here, and every where else? He would however lead the hon. gentleman to a better criterion, which he would find in that House. Let him take a comparative view of the period when he was in Bengal and the present time, and he would see that there was not one fifth of the annual defalcation of the revenue at present that was usual then. Of course, the rent was so much lighter to the farmers. As to the scarcity of specie at Bengal, the answer was easy; silver was in such abundance at China, Bombay, and Madras, that it had begun its route to Bengal. Silver found its level like water, by-and-by it would be overabundant at Bengal, and would travel back again. The hon. gentleman had quoted a minute of lord Cornwallis in 1789, saying that near one third of Bengal was a jungle; he would go farther than lord Cornwallis, and declare, that he recollected the day when nearly one half was in a desert state. But it had been for several years rapidly improving. If an increasing revenue, an increasing commerce, an increasing agriculture, and an increasing population, were distinguishing marks of prosperity, our possessions in India had prosperity in a superlative degree.

After some further conversation, the several Resolutions were agreed to.

The Speaker's Speech to the King.] June 15. The King came to the House of Peers, and being seated on the throne, the Usher of the Black Rod was sent to the Commons, to command their attendance. The Commons, with their Speaker at their head, being at the bar,

The *Speaker* addressed his Majesty as follows:—Most gracious Sovereign; Your majesty's faithful Commons, not content with having carried into effect a bill, the principle and tendency of which is highly interesting to public credit, and to the prosperity of the kingdom, have also made provision for preventing the future permanent increase of the national debt, by having resolved, that on all future loans means should be found for their discharge; which operation, it is the hope of the Commons, no necessity will ever prevent; as, by such provision, your majesty's loyal subjects will be guarded from those difficulties in which they have been involved, and which could only be supported by that public spirit and patriotic zeal which pervaded all ranks of your majesty's people Other objects have also occupied the attention of the Commons, who have the satisfaction of releasing your majesty's subjects from several of the burthens under which they have laboured. The Commons have also taken measures to promote the commerce the manufactures, and the revenue of the empire. Your majesty may be assured of the determination of your faithful Commons to maintain the happy constitution of the country, from which the people look for an increase of their bless-

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ings, and for the security and continuance of those of which they are actually possessed. Your majesty's faithful Commons trust, that the giving to juries the right of deciding on all cases of libels, will be highly advantageous, as it gives uniformity to the law, and security to the property, the lives, and liberties of your majesty's subjects. Your majesty's faithful Commons are sensible of the enjoyments arising from the present form of government, the preservation of which they are fully convinced is determined to be persevered in by a great and loyal people."

The King's Speech at the Close of the Session.] His Majesty having given the royal assent to several bills, delivered the following Speech to both Houses:

"My lords and gentlemen;

"I cannot close the present session of parliament without returning you my particular thanks for the attention and diligence with which you have applied yourselves to the dispatch of public business, and especially to the important objects which I recommended to your consideration.

"Gentlemen of the House of Commons;

"The readiness with which you have granted the necessary supplies, and the fresh proof which you have given of your constant affection for my person and family, in enabling me to provide for the establishment of my son, the duke of York, call for my warmest acknowledgments. I have also observed, with the utmost satisfaction, the measures which you have adopted for the diminution of the public burthens, while you have, at the same time, made additional provision for the reduction of the present national debt, and established a permanent system for preventing the dangerous accumulation of debt in future.

"My lords and gentlemen;

"I have seen with great concern the commencement of hostilities in different parts of Europe. In the present situation of affairs, it will be my principal care to maintain that harmony and good understanding, which subsists between me and the several belligerent powers, and to preserve to my people the uninterrupted blessings of peace; and the assurances which I receive from all quarters of a friendly disposition towards this country, afford me the pleasing hope of succeeding in these endeavours.

"The recent expressions of your uniform and zealous attachment to the established government and constitution, leave me no room to doubt that you will, in your several counties, be active and vigilant to maintain those sentiments in the minds of my faithful people; and I have the happiness of receiving continued and additional proofs of their just sense of the numerous and increasing advantages which they now enjoy under the protection and distinguished favour of Providence."

The Lord Chancellor then, by his majesty's command, prorogued the parliament to the 30th of August. It was afterwards further prorogued to the 13th of December.

THIRD SESSION
OF THE
SEVENTEENTH PARLIAMENT
OF
GREAT BRITAIN.

The King's Speech on Opening the Session.] December 13, 1792. His Majesty opened the session with the following Speech to both Houses:

"My lords and gentlemen;

"Having judged it necessary to embody a part of the militia of this kingdom, I have, in pursuance of the provisions of the law, called you together within the time limited for that purpose; and it is, on every account, a great satisfaction to me to meet you in parliament at this conjuncture.

I should have been happy if I could have announced to you the secure and undisturbed continuance of all the blessings, which my subjects have derived from a state of tranquillity; but events have recently occurred, which require our united vigilance and exertion in order to preserve the advantages which we have hitherto enjoyed.

"The seditious practices which had been, in a great measure, checked by your firm and explicit declaration in the last session, and by the general concurrence of my people in the same sentiments, have of late been more openly renewed, and with increased activity. A spirit of tumult and disorder (the natural consequence of such practices) has shown itself in acts of riot and insurrection, which required the interposition of a mi-

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litary force in support of the civil magistrate.—The industry employed to excite discontent on various pretexts, and in different parts of the kingdom, has appeared to proceed from a design to attempt the destruction of our happy constitution, and the subversion of all order and government; and this design has evidently been pursued in connexion and concert with persons in foreign countries.

"I have carefully observed a strict neutrality in the present war on the continent, and have uniformly abstained from any interference with respect to the internal affairs of France; but it is impossible for me to see, without the most serious uneasiness, the strong and increasing indications which have appeared there of an intention to excite disturbances in other countries, to disregard the rights of neutral nations, and to pursue views of conquest and aggrandizement, as well as to adopt towards my allies the States General (who have observed the same neutrality with myself) measures which are neither conformable to the law of nations, nor to the positive stipulations of existing treaties. Under all these circumstances I have felt it my indispensable duty to have recourse to those means of prevention, and internal defence, with which I am entrusted by law; and I have also thought it right to take steps for making some augmentation of my naval and military force, being persuaded that these exertions are necessary in the present state of affairs, and are best calculated both to maintain internal tranquillity, and to render a firm and temperate conduct effectual for preserving the blessings of peace.

"Nothing will be neglected on my part that can contribute to that important object, consistently with the security of my kingdoms, and with the faithful performance of engagements which we are bound equally by interest and honour to fulfil.

"Gentlemen of the House of Commons;

"I have ordered the estimates for the ensuing year to be laid before you; and I have no doubt that you will be ready to make a due provision for the several branches of the public service.

"You will certainly join with me in lamenting any necessity for extraordinary expenses, which may, for a time, prevent the application of additional sums, beyond those which are already annually appropriated, to the reduction of the public debt, or retard the relief which my subjects might have derived from a further diminution of taxes; but I am confident you will feel that those great ends will ultimately be best promoted by such exertions as are necessary for our present and future safety and tranquillity; and it is a great consolation to me to reflect, that you will find ample resources for effectually defraying the expense of vigorous preparations, from the excess of the actual revenue beyond the ordinary expenditure.

"My lords and gentlemen;

"I have great pleasure in acquainting you that the brilliant successes of the British arms in India, under the able conduct of the marquis Cornwallis, have led to the termination of the war by an advantageous and honourable peace, the terms of which are peculiarly satisfactory to me, from their tendency to secure the future tranquillity of the British dominions in that part of the world.

"Your attention will now naturally be directed to such measures for the future government of those valuable possessions, as shall appear, from experience and full consideration, most likely to provide for their internal prosperity, and to secure the important advantages which may be derived from thence to the commerce and revenue of this country.

"I am persuaded that it will be the object of your immediate consideration to adopt such measures as may be necessary, under the present circumstances, for enforcing obedience to the laws, and for repressing every attempt to disturb the peace and tranquillity of these kingdoms.

"You will be sensible how much depends on the result of your deliberations; and your uniform conduct is the best pledge that nothing will be wanting on your part which can contribute to the present security and permanent advantage of the country.

"I retain a deep and unalterable sense of the repeated proofs which I have received of your cordial and affectionate attachment to me; and I place an entire reliance on the continuance of those sentiments, as well as on your firm determination to defend and maintain that constitution, which has so long protected the liberties, and promoted the happiness, of every class of my subjects.

"In endeavouring to preserve, and to transmit to posterity the inestimable blessings which, under the favour of Provi-

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dence, you have yourselves experienced, you may be assured of my zealous and cordial co-operation; and our joint efforts will, I doubt not, be rendered completely effectual, by the decided support of a free and loyal people."

Debate in the Lords on the Address of Thanks.] His Majesty and the Commons having retired, the Speech was then read by lord Kenyon, as Speaker, and again by the clerk at the table. After which,

The Earl of *Hardwicke* rose, for the purpose of moving an Address. He said that the first and most striking part of the Speech they had just heard from the throne, was the calling out of the militia, and their lordships needed not be put in mind, that the power of calling them out was vested in the crown, whenever there were grounds for apprehension of any intended invasion by a foreign power, or internal insurrection in the kingdom. In such cases, it became the indispensable duty of ministers to advise that measure, and the law had wisely provided that the parliament should be immediately assembled; so that if any weak or wicked administration were to do so from improper motives, they must be amenable to parliament for their conduct within fourteen days. But he was confident it would appear, in the present instance, a very laudable measure, and must be highly satisfactory to the people.—His lordship then adverted to the seditious writings, which had been industriously circulated through the kingdom, for the purpose of alienating the affections of his majesty's subjects from their attachment to the constitution, and love to his royal person, and all the branches of his family; but he was happy to find that, notwithstanding those poisonous productions had been conveyed in the most plausible language, they had not had the effect which wicked or designing men fondly hoped they would have. On the subject of the neutrality which his majesty had always observed with regard to France, he believed there could be but one opinion amongst their lordships. With regard to the revolution in that country, there might be different opinions; in his mind a revolution in the government of that country was natural and necessary, and he owned he had rejoiced in the idea, that a constitution was likely to be formed, that might ultimately have been beneficial to the interests of this country. He was of opinion, that we had no right to interfere with the internal affairs of that kingdom; and such interference had been prudently avoided; however he was sorry to say, that all his hopes of seeing such a constitution established had entirely vanished by their recent conduct. Had this been all, he still would contend, that we ought not to interfere; but the disposition to pursue a system of conquest and aggrandizement, mentioned in the speech, was too obvious from their having entered the dominions of Sardinia, taken Nice, and annexed Savoy as an eighty-fourth department to the territory of France. He stated from the authority of an officer's letter, the crimes and enormities that had taken place on the taking of Nice, and the manner in which they had been glossed over by the national convention, who had said, it was the palaces of kings, and not the property of the people, that they sought to destroy: but the contrary was the fact, for even the inhabitants of cottages had not escaped their inhumanity. He then adverted to the treaty which general Montesquieu had entered into with the republic of Geneva, agreeably to the wishes of both parties, and yet that general was blamed for what he had done, and the treaty was, contrary to all justice, broken. He stated, as a proof of their disregard of the laws of nations, their entering Germany, taking possession of Frankfort, and laying the inhabitants under a heavy contribution. The invasion of the Austrian Netherlands he considered in the same light; and the opening of the Scheldt, so particularly guaranteed by various treaties, particularly that of 1787, was a direct violation of the rights of neutral powers. With what consequences those daring acts might be attended, if not checked, it was not easy to guess. Having the command of men, they might now possess a fleet and proceed to Helvoetsluys, which being in their possession, would be a most dangerous and unwarrantable injury to the Dutch.—He took occasion to pay a very handsome compliment to the marquis Cornwallis, in which, he said, he was sure the House would most readily concur. After professing his determination to support the constitution to his utmost, he concluded by moving the following address:

"Most gracious Sovereign; We your majesty's most dutiful and loyal subjects,

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the Lords spiritual and temporal, in parliament assembled, beg leave to return your majesty our humble and dutiful acknowledgments for your majesty's most gracious speech from the throne.

"Permit us to assure your majesty, that, under circumstances which require the united vigilance and exertion of all the branches of the legislature, to preserve to your majesty's subjects the continuance of those advantages which they have hitherto enjoyed; it is a great satisfaction to us, that your majesty, by meeting us in parliament at this conjuncture, has afforded us an opportunity of manifesting our loyalty to your majesty, and our zeal for the dearest interests of our country.

"We have seen with the greatest concern that the seditious practices which were the objects of your majesty's late proclamation, and which were so strongly condemned by the declaration of both Houses of Parliament, and by the general sentiments of the people, have of late been more openly renewed, and with increased activity. We deeply lament that spirit of tumult and disorder, the natural consequence of such practices, which has shown itself in different acts of riot and insurrection, requiring the interposition of a military force in support of the civil magistrate. We are sensible that the industry employed to excite discontent on various pretexts, and in different parts of the kingdom, has proceeded from a settled design to attempt the destruction of our happy constitution, and the subversion of all order and government; and we learn with the utmost indignation that this design has been pursued in connexion and concert with persons in foreign countries.

"We highly applaud the wise and generous conduct adopted by your majesty in observing a strict neutrality in the present war on the continent, and in abstaining from any interference with respect to the internal affairs of France: but we beg leave to assure your majesty, that we fully participate in that serious uneasiness so justly felt by your majesty on account of the strong and increasing indications which have appeared in France of an intention to excite disturbances in other countries, to disregard the rights of neutral nations, and to pursue views of conquest and aggrandizement, as well as to adopt towards your majesty's allies the States General, who have observed the same neutrality with your majesty, measures neither conformable to the law of nations, nor to the positive stipulations of existing treaties.

"We acknowledge with the deepest gratitude your majesty's paternal care for the security and happiness of your people, which has led your majesty, on the present occasion, to have recourse to those means of prevention and internal defence with which your majesty is intrusted by law; and also to augment your majesty's naval and military force; and we concur with your majesty in the persuasion that these exertions are necessary in the present state of affairs, and are best calculated both to maintain internal tranquillity, and to render a firm and temperate conduct effectual for preserving the blessings of peace: an object which, however important in itself, is no otherwise desirable than as it can be attained consistently with the security of these kingdoms, and with the faithful performance of engagements which we are bound equally by interest and honour to fulfil.

"We congratulate your majesty on the brilliant successes of the British arms in India, under the able conduct of the marquis Cornwallis, and more especially on the termination of the war in that country by an advantageous and honourable peace, to the terms of which we look with peculiar satisfaction, from their tendency to secure the future tranquillity of the British dominions. We shall now apply our attention to the forming such arrangements for the future government of those valuable possessions, as experience and deliberation may recommend to us, with a view to the prosperity of that country, and to the advantages which it may afford to the British commerce and revenue.

"We beg leave to assure your majesty, that we feel it to be our bounden duty, and that it shall be the object of our most immediate consideration, to adopt all proper measures for enforcing obedience to the laws, and for repressing every attempt to disturb the peace and tranquillity of this kingdom. We are not ignorant that on the result of our deliberations at this moment, depend the present security and permanent prosperity of our country. We well know that we can in no manner better provide for these important and interesting objects, than by manifesting in all our conduct that affectionate attachment which is so justly due to your ma-

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jesty from every one of your subjects, and which is deeply impressed upon our hearts; and by directing all our counsels to the defence and maintenance of the constitution, so dear to a people whose liberties it has long protected, and whose happiness it has essentially promoted. In endeavouring to preserve and transmit to our posterity these inestimable blessings, we know from uniform experience that we may be assured of your majesty's co-operation and assistance; and we are confident that the united efforts of your majesty and your parliament for this purpose, will be rendered completely effectual by the decided support of a free and loyal people."

Lord *Walsingham* said, he believed he should have contented himself with merely seconding the address, if he was not apprehensive that he might appear to be lukewarm in a cause, in which no man, who was born an Englishman, ought to feel lukewarm or indifferent; for whoever, in a moment like the present, should hesitate to avow those sentiments of loyalty to the king and attachment to the constitution, which, he was perfectly convinced, warmed the hearts and animated the feelings of all their lordships, such a man would not deserve the blessings he derived from the freest, and the happiest constitution upon the face of the earth. It should seem, indeed, that ministers had at first been tardy to believe that there could be any large body or description of men who really wished to overturn the government, in the manner in which it had since appeared they did in fact wish to overturn it; but when they discovered it to be true, they lost no time in calling upon parliament and upon the country at large, to discourage and discountenance these pernicious and dangerous doctrines. One great benefit, however, had resulted from these attempts to disturb the public tranquillity; for the nation had seen, that upon this subject all spirit of party was forgotten; we had seen the first families in the country, and persons holding different political sentiments, to whom the nation looked up with the utmost confidence, all united in showing that their loyalty to the king, and attachment to the constitution; there was but one spirit which pervaded not only the two Houses of Parliament, but the nation at large. And yet, fresh attempts have recently been made to deprive the people of those dear and valuable rights which, in the course of the summer, seemed to be no longer exposed to hazard: fortunately, however, he believed a timely check was put to the progress of these alarming mischiefs, partly by his majesty having called together his parliament, partly by his having embodied that best and most constitutional means of internal defence, the national militia, partly by societies of different persons who have come forward in the metropolis and in different counties to preserve the peace of the kingdom, not forgetting the spirit with which the bankers and merchants supported the common cause, in the heart of the capital itself.—With regard to foreign affairs, whoever would reflect upon his majesty's conduct during the French troubles, would have reason to admire the magnanimity of it; for he had forgot the provocation they had given to him in bringing on the last war between this country and the whole House of Bourbon; his majesty had shown himself superior to any little resentments, to any pitiful spirit of revenge; —he had not been instrumental in withdrawing the allegiance of any subject from his sovereign, nor had he supported a sovereign in his old or in his newly-established government against the voice of the people; but he had constantly forborne, even in the hour of their severest trial, to interfere in any manner whatever in the internal affairs of France, either by supporting what had been called the common cause of kings, or by acting in conjunction with the house of Austria, or even with his ally, the king of Prussia.—But if our restless neighbours, not satisfied with having overrun the territories of those powers with whom they are actually at war, should think fit to attack our ancient and natural ally, the Dutch, and to break down those barriers which the wisdom of ages had set up, and the most recent treaties had repeated and confirmed, we might, at least, thank his majesty for having had recourse to those means of internal defence which the exigency of the moment rendered necessary, and for looking to the possibility of future events by augmenting his naval and military establishments. In such a crisis of affairs, he asked, what was the most dignified part which a great nation could take? The answer was to be found in the speech; "Be firm and temperate in your conduct; preserve your faith inviolably; adhere to your alliances; be true to yourselves, and take that part which your interest, be-

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cause your honour, dictates." His lordship then went in to a chain of argument to prove his position. Suppose, said he, for the sake of the argument, that we should forbear to assert ourselves in the manner that becomes us, how long, and under what circumstances, should we be able to forbear? Should we not, in the course of a few months, be dragged into the quarrel in spite of ourselves, and with the disgrace of having abandoned an ally whom it was our bounden duty to support? To which we may add, that in such a case, her force would probably be neutral, if not employed against us. His lordship asked, why the treaty of 1788 was made with the Dutch, if it was not meant to abide by the stipulations to which we then pledged ourselves? Why did we in 1787 arm for the purpose of rescuing the Dutch from the thraldom to which the interference of France would have subjected them? Our interposition there was a measure approved, not only by the nation, but by all Europe. If, therefore, we would be consistent with ourselves, we should hold a similar conduct now to that which we held then; it being always understood that these are not measures of offence—that we are not the aggressors—that they are only the means of prevention, and that our object is to secure the blessings of peace.—His lordship said, he could not help closing his speech with a few words upon the peace in India: for if ever a peace was made by an able and successful general which was advantageous and honourable, such was the character of the peace which lord Cornwallis had concluded in India; it was honourable to himself, it was both honourable and advantageous to the country.

The Duke of *Norfolk* expressed his attachment to the constitution, but could not help offering a few words upon the calling out of the militia, which he conceived could not legally be done upon apprehensions of invasion or unknown riots and insurrection within the kingdom. The act went only thus far, that the militia might be called out, in the case either of imminent danger of a foreign invasion, or actual insurrection in the country. Now he thought himself justified in calling upon ministers to declare, what those apprehensions were, and where those dreadful riots and insurrections had taken place? The speech from the throne stated a desire to preserve peace. But was war, and certainly there was every appearance of war at present, the way to preserve peace? If ministers had determined that there should be a war, they ought to declare that it was necessary, and in that event, they would find parliament and the country ready to support them in it. If any other war was entered into, the country would be divided in opinion; and it was not necessary for him to state the calamities that would attend a war, on the justice of which there existed a division of sentiment in the country. With regard to the Scheldt, that was a matter not under discussion now, and therefore he would not enter upon it farther than as a cause of war; and here he could not help remarking that it was rather strange to determine on going to war with any country for an interference with another, when we had no ambassador, or person of any description, to treat with that country, and remonstrate on the conduct which we were displeased at. Such, he would say, was a desperate war, and not to be justified.

The Marquis of *Townshend* supported the address and particularly the measure of calling out the militia. He considered the conduct of France towards their king, and their inordinate ambition and thirst of conquest, as highly unjustifiable and criminal.

The Marquis of *Lansdown* said, he had waited some time in expectation that ministers would have risen to answer the question so properly put to them by the noble duke. The parliament had been assembled in a manner unexampled in history for hundreds of years back, and, he must say, in so questionable a shape, that he doubted if they had even legality on their side. He never was more astonished than when he heard of such a measure being taken. When the gazette appeared with that extraordinary clause which the noble duke had alluded to, he believed it had occasioned alarm in every part of the kingdom. Entertaining doubts concerning the legality of their lordships being assembled at this time, and having no information of their motives from ministers, every one was left to his judgment to guess what they might be. If they had ground of apprehensions, if they knew of any seditious libels, riots, or insurrections, ought they not to make their conduct as clear as noon day; but this they scorned to do; for in their proceedings all was darkness and mysterious silence. Would it not become them to recur to former

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times, and profit a little by the wisdom and example of their ancestors? The noble marquis here went into a detail of cases in different reigns for some hundred years back, which he contrasted with the present proceedings. He said, that the provision for calling parliament within forty days was a wise and necessary regulation. Members ought to know the matters that were to come before them, that their minds might be made up for the discussion, after collecting the sentiments of the people, and consulting every source of information. Even in James 1st's reign, it was customary to direct the chancellor to explain as fully as possible in the speech to parliament, what measures were to occupy their attention. But this would not now suit the views of ministers; they preferred taking an obscure clause of an obscure act, in order to throw a general calumny on all the people of the kingdom. This quibbling might be well enough in a special pleader, but did not become a great statesman. There had been times when constructive treason and cumulative treason were heard of in this country, but in the present times he trusted there could be neither constructive or cumulative insurrections.—On the subject of monarchy he stated conferences between Cromwell and Whitlocke; and likewise referred to associations and papers written about the time of king Charles 1st's martyrdom, in which it had been wisely argued and admitted, that without a mixture of monarchy no government could suit this country. In those he had found more solid information than in all the sermons and other publications of modern times, though some he had seen that were excellent. He did not belong to any associations. Many of their publications which he had read he thought very odd; but he would heartily give the credit that was due to these resolutions passed by the merchants and bankers at Merchant-taylors hall mentioned by a noble lord; they contained reason and truth; and one thing they asserted, which could not have been done in a clearer or better manner, "that there existed in the constitution of this country sufficient power to correct the abuses that had crept into it." Such resolutions as those he applauded. But there were other associations, whose resolutions he never could agree to, and wondered that any man, possessed of common understanding, could put his name to them, if he took the trouble to read them over. He here read, and commented in very severe and pointed terms, upon the resolutions of the Crown and Anchor Association. He knew not the persons, but certainly there was not a lawyer amongst them, or if there was, the law and the logic of the person who drew up such resolutions must be abominably bad. He then said, that after searching every where, it was evident that the real motive of the conduct of administration was war, and had nothing to do in fact with insurrection, although parliament was assembled by that manœuvre, and he must desire them to take care how they plunged the country into a war, with a parliament illegally assembled. Let them inquire into facts before they proceeded or else their proceedings might be impeachably wrong. He said, he did not see the necessity of associations, any more than the necessity of the measures pursuing by government. When a conspiracy had been said to exist against the life of queen Elizabeth, there were no associations formed. When she and lord Burleigh had been traduced, there were no associations, but a person was employed to rebut the calumny. He requested their lordships to turn their thoughts to the reign of James 1st, Charles 2nd, and queen Anne, when millions of libels had been published, but even these were not recognized by petty clubs and meetings. He was of opinion, that the spirit of Englishmen was such that they were not to be terrified, though they were easily soothed by soft expressions. He thought the associations were too officious. They should have waited for the wisdom of government to correct those evils which they apprehended, and for the suppression of which they have assembled: instead of preventing commotion, they added to the disturbance.—He said, it was natural, for men, who enjoyed sinecure places, to declaim against reform; but it was the province of those who did not, to act in conformity to the dictates of the constitution, and the well-being of the state. With respect to the clamours raised against the state of the representation; if any gentleman, who had opposed a parliamentary reform was now convinced of the necessity of the measure, he ought chearfully to avow his sentiments, for there was infinitely more merit in retracting an error than in wilfully remaining in darkness. He lamented in common with the country, that government entrusted, or were

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obliged to entrust, some men with their votes merely on account of their insignificance. If men were weighed down with taxes, could it be supposed that they would not murmur? If the minister was to say, let sinecures and pluralities be abolished, it would have more effect in conciliating the people, than all the associations that ever met, or all the plausible language that could be used by those in power. If the people called for a parliamentary reform, he thought the House of Commons, instead of throwing open four doors to hear their complaints, should open four hundred, if possible, to hear them constitutionally state their grievances.—The marquis conceived, that parliament should be cautious how it sanctioned a war, to indulge the whim or caprice of a minister. If treaties were found inimical to the public interest, we should not without much deliberation, carry them into effect. He called the attention of the House to the treaties of Utrecht, and Aix-la-Chapelle, which met with much abuse, and in consequence of which we afterwards incurred the charge of ingratitude. It therefore behoved the House to beware, how it fulfilled a treaty which might have for its design, not the support of the ally, but the opposition to a nation whose politics government probably disliked. If grievances did exist they should be corrected. The people were too enlightened to be blindfolded by the declamation of the wisest. Suppose continued the marquis, I were to say to the people of Ireland, "I am opulent, I feel all the comforts, without the hardships or inconveniencies of life. I live in luxury and ease, while you live in misery and under oppression;" was it natural that they should applaud my candour, and that they should groan under their misfortunes, because I had no feeling for their distress, and profited by their misfortunes? These were circumstances that required consideration, and to promote tranquillity reformation, and not opposition, was the best remedy. The best way was, to examine into grievances. If they did that, it would be the best answer that they could give to all those who called for reform, and the only true way to know whether any, and what grievances really existed. The marquis touched upon the situation of the Roman Catholics of Ireland, with great liberality, and hoped that ministers would turn their attention to the petitions of that respectable body. He made several observations on the treaties relative to the Scheldt, and deprecated the idea of a war, unless the principles on which it was to be grounded would stand the test of wisdom, and the soundest policy. Whatever favourable idea he might entertain of a reform, the mode of bringing about that reform was a question of the first magnitude, and ought to be agitated with the utmost prudence and deliberation.

Lord *Grenville* entered into a defence of the conduct of ministers in calling out the militia. He then gave a short account of the militia act, and the principles on which it was enacted, and contended, that if it was fairly construed, it would be found that government had only discharged their duty. In support of these assertions, he read several addresses, presented to the national assembly by subjects of this country, making his observation on each as he went along. He also made several observations on the answers of the president of the national convention to those addresses, for the purpose of showing, that, notwithstanding his majesty had declared his neutrality with regard to the interior transactions of France, yet the French had not observed the same rule of couduct with regard to this nation. The king of this country, in all transactions with foreign courts, was, he said, the representative of the people, but this prerogative was infringed by these addresses.—His lordship adverted to the notice of a motion for parliamentary reform at the close of the last session; this he said, would serve as a developement of the subsequent discontents. In consequence of this notice, societies had been formed over the whole kingdom, who, by their communication with the national convention, discovered a disposition to supersede the parliament, and establish a new system of things. He called the attention of the House more particularly to two paragraphs inserted in M. Condorcet's paper at Paris, asserting, that the people of this country were determined to shake off hereditary succession, and to establish a convention, as the only genuine organ of representation. Pamphlets of a seditious nature were sold at two-pence each, and societies were established for the subversion of the best and most perfect system of civil liberty that ever was enjoyed by man. He contended that the British court had persevered in a strict neutrality until the French fleet covered

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the Mediterranean, her armies ravishing provinces, and subverting governments wherever they came: that the conduct of England had been liberal in the extreme; and now that the arrows of ambition were levelled at our own bosoms, it was incumbent on every friend to his country to range under the banners of the constitution, and repel the machinations of levellers and assassins.

The Duke of *Clarence* protested that he wholly coincided in the sentiments which had fallen from the noble secretary of state. He had already in private made an offer of his professional services to his country, and he was glad of the opportunity of expressing the same sentiments in public. It was plain the French were directed by objects of ambition and aggrandizement; they had already annexed the duchy of Savoy to their dominions as the eighty-fourth department, and if they conquered Holland, he supposed they would make it the eighty-fifth.

Viscount *Stormont*, after expressing his regret that the parliament was not sooner assembled, said, I will not, my lords, attempt to estimate the degree of danger that threatens us, but I am free to say, that though I am not naturally a desponding politician, there has been that of late in the situation of this country, which has been to me matter of serious alarm. Is it a thing of little importance, that the most unwearied pains have been taken to poison the minds of the multitude by disseminating, at great expense, such expense as no private purse can supply, doctrines, subversive of all order, and government, and striking directly at the root of this constitution? What do these levellers intend? Not this or that partial change, not this or that supposed improvement; they avowedly strike at the whole; they wish to level with the ground that venerable fabric that has been so long the pride and glory of this country, the admiration and envy of every other. They speak with irreverence of monarchy, they speak of parliaments with contempt. They say that taxes, if necessary, must be imposed in some other manner; that there must be a national assembly, and, as they call it, a new order of things. If such attempts should succeed, the inevitable consequence would be irreparable ruin. The noble secretary of state has adduced many proofs of a concert between these levellers at home, and persons in foreign parts. He has also shewed us the avowed principles of the national convention. I will beg leave to add one or two passages from the author the noble secretary last quoted, whom I personally knew; "seen him I have, but in his happier hour," when he confined himself to literary pursuits, and was contented with literary fame. He is now a legislature, and in an elaborate address to the Dutch or Batavians, as he calls them, after exhorting them to union, that is, to alter their subsisting government, and form a democracy like that of France, he says, "Such union between free states is their primary want, their dearest interest, so long as the earth is stained by the existence of a king, and by the absurdity of hereditary government, so long as this shameful production of ignorance and folly remains unproscribed by the universal consent of mankind." In another place he says, (bear with me, my lords, whilst I repeat it,) "George the Third sees with anxious surprise that throne totter under him, which is founded on sophistry, and which republican truths have sapped to its very foundation." I translate literally, and hold the original in my hand, if any noble lord wishes to see it. To such language, this and every succeeding day will furnish the best reply. They will show that not only parliament, but a vast majority of the people (however the minds of some may have been poisoned), have the most grateful sense of the numberless blessings they have enjoyed under the mild, provident, and beneficent government of the House of Brunswick. Every day will show we have learnt, from the uninterrupted experience of more than a century, that limited hereditary monarchy, poised and balanced as ours was at the glorious revolution, is, for a great country like this, the best form of government that ever was framed. It unites more of the advantages of the different forms, as they are technically called, than was ever combined in one system. To the vigour, energy, dispatch, and secrecy of a strong executive, directed by one governing mind, it joins the fullest protection of the rights of the subject under the dominion of equal law: it unites, in a word, the largest portion of real, rational, civil liberty, that ever was enjoyed by man. I know I speak your lordships general sentiments. These sentiments are rooted in our hearts. We are not to be driven from them by the frantic ravings of wild enthusiasm, or the base artifices of designing

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men. But the attempt itself is matter of moment, and deserves the constant attention of administration. In all their proper endeavours to check the progress of the evil, to detect such designs, and to restore the deluded multitude to that tranquillity of mind that is necessary to their happiness, and not immaterial to ours, ministers will, I hope, meet with the most general support. They are, by their situation, called to take the lead in this business; but the cause they defend is not more their cause than it is ours. When any danger threatens the existing government and constitution of my country, I am called by the voice of duty to join in their defence. I cannot shrink from, or elude that duty, by saying to myself, "I do not like these ministers; I wish the administration was in different, and, as I may think, in abler hands." It is not this or that minister, this or that denomination of men, that I join upon occasions like these. I range myself under the broad banner of the constitution. I add one to the great phalanx that is to shield it from the poisoned arrows directed against it. I join in the defence of that, which, whilst it remains inviolate, must afford numberless blessings and comforts to us all; but which, if ever it should fall, must, in its fall, bring immediate universal ruin. I know the blessings of peace; I know the calamities inseparable even from prosperous war: but, my lords, much as I value the blessings of peace, I shall ever be of opinion, that even those blessings may be bought too dear. They must not be purchased by the intolerable sacrifice of the national honour.

Lord *Rawdon* said, he came down to the House, confident that ministers would have assigned such obvious reasons for their conduct, as would have entitled them to the support of the whole House. A noble duke had asked, where the insurrection was which gave sanction to their precipitate measures. No satisfactory information had been given on that head, and it was fair to infer that no tumults existed; a mere apprehension of danger did not warrant the calling out of the militia; and it would appear, that one error had been committed by way of apology for another. He adverted to the situation of the Catholics in Ireland, and entreated government to pay some attention to their claims.

Earl *Stanhope* gloried that he lived under a constitution which, in principle, excelled all others, ancient or modern. It provided against every possible exigency, and rendered revolutions unnecessary, by furnishing us with the means of adding to its utility, or retrenching its superfluities as occasion might require. At an early period of life he had a turn for philosophical researches, and, in order to pursue his studies, he was introduced to the most learned men on the continent; among others he had contracted an intimacy with M. Condorcet, whose reputation he wished to rescue from the aspersions that had been thrown out against him. His lordship read a letter from that gentleman, declaring, in the most unequivocal terms, that it was the height of folly for the English to engage in any scheme which might subvert the constitution of their country, which was very justly styled the aggregate wisdom of ages. As a citizen of the world, and a friend to mankind, his lordship expressed the most heartfelt satisfaction, that the officious interference and ambitious views of the confederacy against the liberty of France had been frustrated. That monster, the duke of Brunswick, merited the execration of every man of feeling, for publishing a manifesto of his intention to put half a million of his fellow-creatures to the sword; had he realized this pious resolution, it would have exceeded the wanton ferocity of Nero or Caligula. The massacres on the 10th of August were imputable to this manifesto.

Lord *Porchester* approved of the conduct of ministers, and said he had no objection to evince his loyalty to his majesty, and his attachment to the true principles of the constitution.

The Marquis of Lansdown then moved an amendment, by leaving out the third paragraph, and the whole of the fourth and fifth after the word "France." This brought on a desultory conversation. The amendment was negatived without a division. The address was then put and carried in the affirmative.

The King's Answer to the Lords' Address.] To the Address of the Lords his Majesty returned this answer:

"My Lords; I thank you for this very loyal and dutiful address. Your expressions of affectionate attachment to my person, and of zeal for the maintenance of the constitution, are peculiarly acceptable to me at this conjuncture; and I am satisfied, that whatever may be the course of

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future events, the spirit and loyalty which you have manifested on this occasion will be productive of the happiest consequences to my people."

END OF VOL. XXIX.

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